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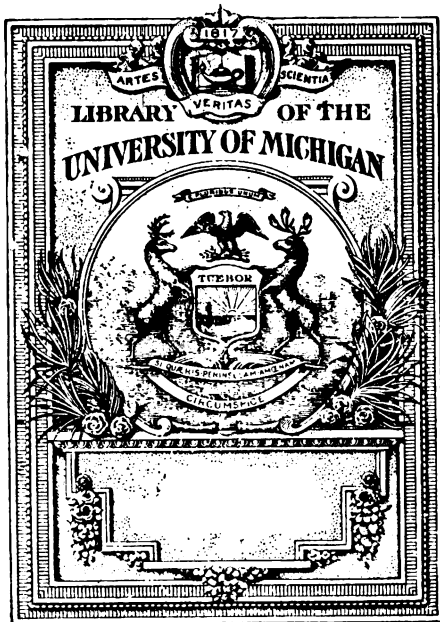
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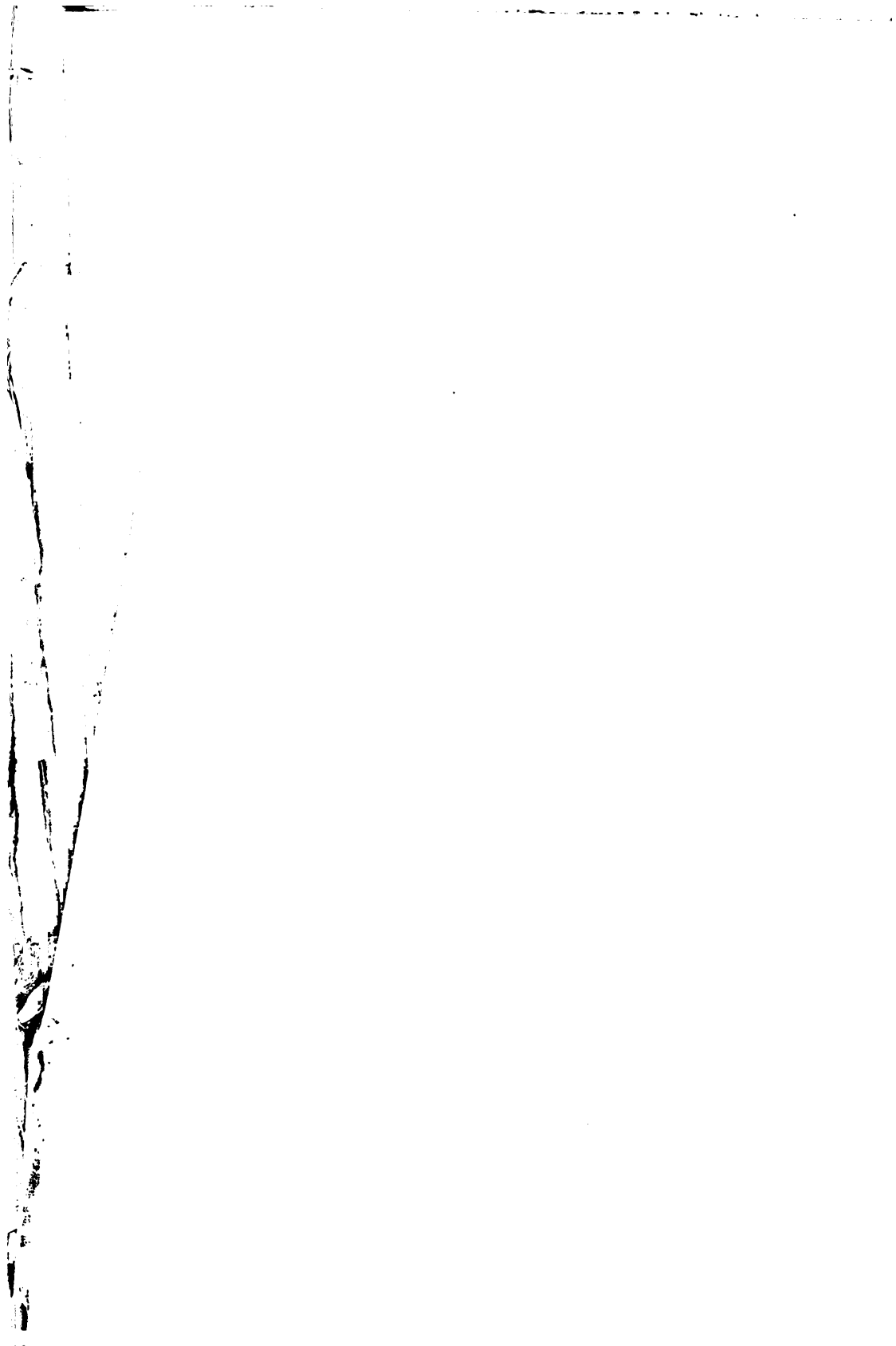
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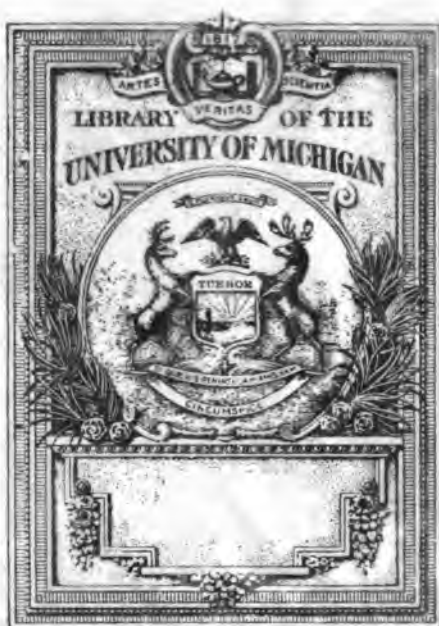
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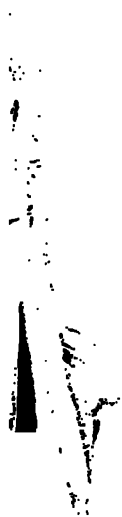


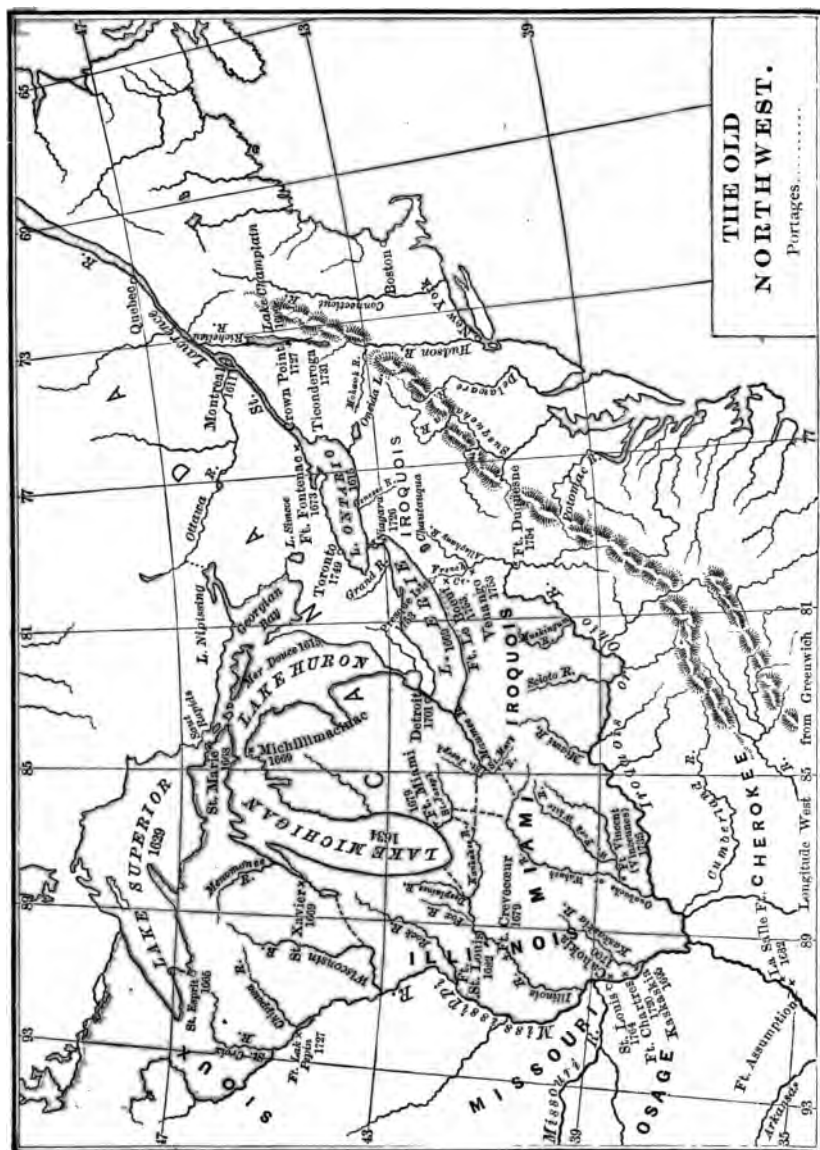
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# THE OLD NORTHWEST

*WITH A VIEW OF THE THIRTEEN COLONIES  
AS CONSTITUTED BY THE  
ROYAL CHARTERS*

BY

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"THE WORKS OF JAMES ABRAHAM GARFIELD"

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

—*Ordinance of 1787.*

"No colony in America was ever settled under such favorable auspices as that which has just commenced at the Muskingum."—WASHINGTON.

"We look to you of the Northwest to finally decide whether this is to be a land of slavery or freedom. The people of the Northwest are to be the arbiters of its destiny."

—SEWARD.

*VOL. I.*

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## PREFACE.

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SAVE New England alone, there is no section of the United States embracing several States that is so distinct an historical unit, and that so readily yields to historical treatment, as the Old Northwest. It is the part of the Great West first discovered and colonized by the French. It was the occasion of the final struggle for dominion between France and England in North America. It was the theatre of one of the most brilliant and far-reaching military exploits of the Revolution. The disposition to be made of it at the close of the Revolution is the most important territorial question treated in the history of American diplomacy. After the war, the Northwest began to assume a constantly increasing importance in the national history. It is the original public domain, and the part of the West first colonized under the authority of the National Government. It was the first and the most important Territory ever organized by Congress. It is the only part of the United States ever under a secondary constitution like the Ordinance of 1787. No other equal part of the Union has made in one hundred years such progress along the characteristic lines of American development. Moreover, the Northwest has stood in very important relations to questions of great national and international importance, as the use and ownership of the Missis-

issippi River, and the territorial growth and integrity of the Union. To portray those features of this region that make it an historical unit is the central purpose of this book. But as the Northwest is intimately dependent upon the Atlantic Plain, a view of the Thirteen Colonies as Constituted by the Royal Charters has also been given. No previous writer has covered the ground, and the work is wholly new in conception.

Dr. Edward A. Freeman insists "that the most ingenious and eloquent of modern historical discourses can, after all, be nothing more than a comment on a text." Historical texts are not history, but even ingenious and eloquent comments often suffer from lack of a sufficiency of the text that they are written to elucidate. In this work, liberal quotations from original documents will be found, accompanied by the necessary discussion. The subjects treated in Chapters VI., VII., XI., XII., and XIII., in particular, cannot be satisfactorily handled in any other way. Furthermore, while these documents are in no sense rare, they do not lie in the way of the common reader or of the ordinary student or teacher of history. This feature of the work, it is believed, will be highly appreciated by all these classes, and especially by the student and the teacher.

B. A. HINSDALE.

UNIVERSITY OF MICHIGAN,  
ANN ARBOR, March 1, 1888.

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# THE OLD NORTHWEST.

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## I.

### NORTH AMERICA IN OUTLINE.

NORTH AMERICA is easily separable into three very plainly marked physical divisions. The Pacific Highlands, which are a vast plateau surmounted by the Rocky and Sierra Nevada Mountain systems, extend from the Arctic Ocean to the Isthmus of Panama, and form the primary feature of the continent. The Atlantic Highlands, consisting of the Labrador Plateau and the Appalachian Mountain system, with the adjacent eastern slope, extend from Labrador almost to the Gulf of Mexico, and form the secondary feature. Between the Pacific Highlands and the Atlantic Highlands, extending from the southern Gulf to the northern Ocean, 5,000 miles in length by 2,000 in breadth at the widest part, and opening out like a fan to the north, is the Central Plain.

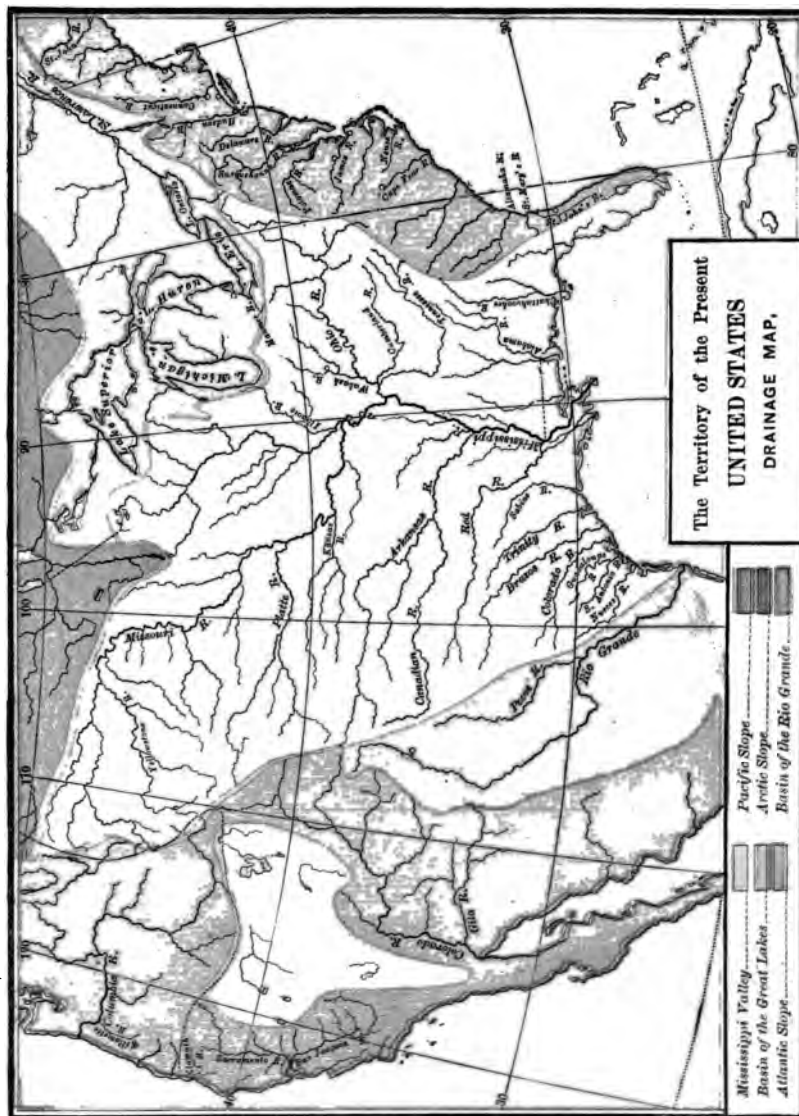
The Central Plain is also easily separable into three parts. First, the Arctic Plain descends by easy slopes from the wavy elevation called the Height of Land, north and northeast to the Arctic Ocean and Hudson Bay. Secondly, south of the Height of Land and a second similar elevation that takes off from it, near the head of Lake Superior, and sweeps southeast and northeast until it unites with the Appalachian Mountains in Northern New York, the Mississippi Valley falls away gently to the Gulf of Mexico. Thirdly, between the Arctic Plain and the Mississippi Valley lies the Basin of the Great Lakes, that is lengthened eastward in the St. Lawrence Valley.



The two sides of the continent, as divided by the eastern ranges of the Rocky Mountains, present the strongest contrasts. The western side consists of great mountain chains, attaining high elevations, with short and abrupt descents to the Pacific Ocean; the eastern side is a vast plain, descending to the Arctic and Atlantic Oceans and the Gulf of Mexico, by long and easy lines, save in the southeast, where it is interrupted by the moderate elevation of the Appalachian Mountains. Straight lines can be drawn from the Arctic Ocean to the Gulf of Mexico, from the southern shore of Lake Ontario to the Rio Grande, and from the source of the Ohio to the source of the Kansas, that will at no point rise 2,000 feet above the level of the sea. In fact, the geographer passes over whole States without finding any elevations of surface that he need represent upon a map intended for common purposes.

On the one side, and particularly south of 49° north latitude, the coast line is remarkably regular; on the other side, remarkably irregular.

On the west, few rivers descend to the sea, and not one of these cuts through the mountain masses and reaches the interior; on the east, every subdivision of the Central Plain is traversed by a great natural water-way. Hudson Strait, Hudson Bay, and the Nelson-Winnipeg River system together reach the very foot-hills of the Rocky Mountains. The noble St. Lawrence, cutting through the Appalachian Mountains, opens a channel for the Great Lakes to discharge their floods, and for man to ascend to the central parts of the continent. The Mississippi—Father of Waters—with his 35,000 miles of navigable affluents, gives ready means of access to every part of the great valley that bears his name. If three men should ascend these three water-ways to their farthest sources, they would find themselves in the heart of North America, and, so to speak, within a stone's-throw of one another. One of these water-ways has played hitherto no considerable part in the affairs of civilized men; but the





other two are as prominent in the history of America as they are in its geography.

The world scarcely offers a parallel to the ease and celerity with which the passage can be made from the upper waters of any one of these great water-ways to either of the others. "The Great Lakes occupy an elevated plateau, the summit, in fact, of the vast expanse of land which spreads out between the Alleghanies and the Rocky Mountains; no large streams flow into them, and they drain limited areas;"<sup>1</sup> and their basins are separated from the regions north and south by water-sheds that in no point rise to the dignity of mountains. Lake Superior is 900 feet above the Gulf of St. Lawrence; Lake Itasca, Pittsburg, and Cairo are 1650, 700, and 300 feet respectively above the Gulf of Mexico. From Omaha west along the Platte River, the Union Pacific Railroad ascends by a grade of five feet to the mile; while from St. Paul northwest to the Yellowstone, the ascent is but two feet to the mile. In Ohio, Indiana, Illinois, and Wisconsin the streams flowing in opposite directions often head in the same swamps; and in times of high water it would almost be possible to push a flat-bottomed boat from the Lake Basin into the Mississippi Valley. The highest level of the Ohio Canal is 395 feet, the highest level of the Miami Canal, 380 feet, above Lake Erie. A simple pump suffices to carry the sewage of Chicago to a level where gravitation takes it to the Mississippi. Lake Michigan once had an outlet to the Gulf of Mexico, and should the "Hennepin Canal" ever be built, it will be an artificial outlet.

In the days when the Northwest was discovered and explored, and again in the days when it was settled, the short and easy portages between the northern and southern streams, scattered all the way from Western New York to Minnesota, were of very great importance.

The Appalachian system consists of several chains or

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<sup>1</sup> Hubbard: *Memorials of a Half Century*, 3.

ranges, and the valleys lying between them. To the explorer or pioneer attempting to reach the interior, they opposed a continuous mountain-wall from 3,500 to 7,000 feet in height, a slight obstacle, indeed, as compared with the mountains on the other side of the continent, but still considerable, and playing no unimportant part in history. The Atlantic Plain, as the slope east of these mountains is called, is coursed by many rivers that furnish excellent harbors at their mouths and render the whole region readily accessible from the sea. Five of these rivers, the Hudson, the Delaware, the Susquehanna, the Potomac, and the James, cut through the mountain-wall. The valleys of these rivers to-day are roadways for great lines of travel and transportation leading to the West; but when the country was in a state of nature, only one of them offered an easy passage from the Atlantic Plain to the Mississippi Valley. Geologists tell us that once Lake Ontario had an outlet to New York Bay; and certain it is that by the Hudson and Mohawk, the streams flowing to the Lakes whose sources are intertwined with those of the Mohawk, and the short and easy portages between them, the explorer and the colonist could readily have reached the interior but for a formidable obstacle that will receive attention in another place. Despite this obstacle, the site of Oswego was visited by Englishmen before the site of Pittsburg; while it was through the Mohawk Valley that the first canal and railroad were built connecting the East and the West. From New York Bay to the St. Lawrence extends a deep valley that cuts the mountains asunder; Hudson River fills the southern half, Lake Champlain and the River Richelieu the northern half, of this valley; and these waters, together with the easy "divide" between them, have played a very important part in American history from the very first.

These geographical features of our continent have been boldly sketched, because they have had the greatest influence upon the course of American, and particularly of Western-American, history. Had some convulsion of nature lowered

the Appalachian Mountains to the level of the country east and west at the time the first English colonies were founded on the Atlantic slope, or thrown up a system of mountains as high as the Appalachians along the low water-sheds that separate the Lake Basin and the Arctic Plain from the Mississippi Valley when the first French settlements in Canada were planted, no one can tell in what different lines history would have run. Nor can one rightly estimate the prodigious influence upon the Northwest of the fact that it lies partly within the Lake Basin and partly within the Mississippi Valley, and that it holds in its bosom all the rivers flowing to the Lakes on the south, and to the Mississippi on the west, from the Ohio to the head of Lake Superior.

Speaking relatively, North America has an open and a closed side; and fortunately it is the open side that faces Europe.

## II.

### THE FIRST DIVISION OF NORTH AMERICA.

FOR two hundred years after its discovery, North America had no independent life and history. The seeds of future American questions were being thickly planted, but for the time no such questions appeared. The continent was the theatre of European ambition, strife, and endeavor. Three great nations played each an important part in the drama—Spain, France, and England. We are now to see how the country was first divided among them.

#### I. THE SPANIARDS IN THE GULF OF MEXICO.

The Spaniards had not firmly established themselves in the West Indies before they plunged into the Caribbean Sea and the Gulf of Mexico. Columbus himself was on the coast of South America in 1498, and on the coast of Central America in 1502 and 1503. Balboa crossed the Isthmus of Darien, and discovered and named the South Sea, in 1513. Cortez began the conquest of Mexico in 1519, and Pizarro that of Peru in 1526. In 1512 Ponce de Leon discovered and named Florida. Miruelo ran along the western side of the peninsula as far as Pensacola in 1516. In 1519 Pineda coasted the northern shore of the Gulf as far as Pánuco, in Mexico, and on his return discovered the Mississippi River, which was first called "The River of the Holy Spirit." In 1520 Ayllon sailed to the coast of Georgia and South Carolina; and five years later he continued his explorations as far as Virginia, where he planted an ill-fated settlement on the future site of Jamestown. In 1527 De Narvaez conducted an unfortunate expe-

dition to the northern shore of the Gulf. He lost his life while crossing the stream of the Mississippi out at sea, but De Vaca, one of his lieutenants, and a few others, survived the perils of the deep and of the land, to tell in after-years one of the most romantic tales to be found in the history of American exploration. Hernando de Soto, Governor of Cuba, having obtained from Charles V. a grant of the country from Florida to the River of Palms, landed at Tampa Bay in 1539 with a large and well-appointed command. He hoped to find a rich Indian kingdom, such as Pizarro had found in Peru and Cortez in Mexico. After two years' marching in the interior, De Soto, disappointed in his search, found himself in latitude 35° north, on the eastern bank of the Mississippi. Crossing the river, he continued his march many hundreds of miles to the northwest; but, still disappointed, he returned the next year to the river, his command greatly reduced by battle, disease, and famine, and himself wasted in body and broken in spirit, where he died. In the sonorous language of Bancroft: "His soldiers pronounced his eulogy by grieving for their loss; the priests chanted over his body the first requiems that were ever heard on the waters of the Mississippi. To conceal his death, his body was wrapped in a mantle, and in the stillness of midnight was silently sunk in the middle of the stream. The wanderer had crossed a large part of the continent in his search for gold, and found nothing so remarkable as his burial-place."<sup>1</sup> His surviving companions fled down the river to the Gulf, and made their way to their countrymen in Mexico. At the same time that De Soto was seeking his imaginary El Dorado in the region south of the Missouri, Coronado, who had come overland from Mexico, was searching in the same region for the fabled "Seven cities of Cibola." The two commands were so near each other "that an Indian runner, in a few days, might have carried tidings between them;" in fact, "Coronado actually heard of his

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<sup>1</sup> History : 6-volume edition, 1876, I., 50.



countryman, and sent him a letter, but his messenger failed to find De Soto's party."<sup>1</sup> Spaniards had now virtually met in the centre of the Mississippi Valley, coming from points as distant as Tampa Bay and the Gulf of California; they had found no El Dorado or Cibola, and they gave over the attempt at exploration and conquest in these regions.

In no important sense did the Spanish discoveries make known the Mississippi to the world. Holding the shore line from Florida to Mexico, Spain, in the sixteenth century, had the finest opportunity ever offered any nation to explore, occupy, and possess the Mississippi Valley; the Appalachicola, the Mobile, the Colorado, and, above all, the Mississippi itself, invited her to ascend them and people their banks. No powerful Indian nation was on the soil to oppose her, no European rival was present to deny her right. Why did she not do so? The answer is one of the exploded theories of political economy. In that age Europeans generally, and Spaniards particularly, held to the "Bullion Theory:" The precious metals are the only form of wealth. Not finding them in the region visited by De Soto, Spain fixed her attention on regions where she had already found them; and so intent was she on the mines of Mexico and South America, that her gallions ploughed the waters of the Gulf for one hundred years, ignorant or regardless of the fact that they were crossing and recrossing before a portal that stood always open to admit them to the richest valley in the world. So indifferent was Spain to her opportunity that in the next century she allowed the Mississippi to slip from her hands to those of France, without serious protest. When another century had gone, she awoke from her indifference, and made strenuous efforts to recall the mistake. Unfortunately for her, but fortunately for the world, it was too late. Fortunately for the world: for what greater calamity could have befallen civilization on this continent than a South America or a Mexico

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<sup>1</sup> Narrative and Critical History of America, II., 292.

planted between the Alleghany and the Rocky Mountains? Still, Spain, in the sixteenth century, founded two settlements within the present limits of the United States. Santa Fé, hidden away, in 1582, in one of the upper valleys of the Rio Grande, never played any part in history until our own times. But to hold Florida against all comers was to Spain a simple necessity. The peninsula offered an excellent base for attacking the fleets that bore the spoil of the East Indies, Mexico, and Peru from Vera Cruz and Carthagena to Spain, as well as for menacing the islands at the entrance of the Gulf; and "the hurricanes of the tropics had already strewn the Florida coast with the fragments of Spanish wrecks."<sup>1</sup> Hence the savage vigor with which she expelled the Huguenot colonies from Northern Florida, and the persistence with which she held the English colonists on the north at bay down to 1763, when she surrendered the peninsula as the price of the Queen of the Antilles. St. Augustine, founded in 1565, a castle rather than a colony, was the key to the positions of Spain in the Gulf and in the East India seas.

## II. THE FRENCH IN THE VALLEY OF THE ST. LAWRENCE.

Verrazzano in 1524 led the first French official exploring expedition to North America. He sailed along the coast from latitude 32° to Newfoundland, landing at many places, and visiting New York Bay, and then returned to France. This voyage, which added considerably to contemporary knowledge of America, and led to other and more important voyages, gave color to the claim that France afterward made to the whole coast within the extreme points that Verrazzano touched. James Cartier, also with a French commission, made three voyages to the northern parts of the continent in 1534, 1535, and 1540. In 1534 he explored the coast of Newfoundland and the shores of the Gulf of St. Lawrence, visited Labrador, and discovered the St. Lawrence River. Hoping

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<sup>1</sup> Narrative and Critical History of America, II., 254.

that this river was the long-sought passage to Cathay, Cartier sailed up its current to Stadacona, the Indian name of Quebec. Leaving here his ships, he pushed on with two or three boats and a few companions to Hochelaga, an Indian town on the present site of Montreal. It was the month of September; the northern forests were putting on their gorgeous autumn garments, and the Frenchmen could not sufficiently admire the beauty of the country. Cartier visited Stadacona and Hochelaga again in 1540, when he took possession of Canada, as the Indians called the country, in the name of his royal master, by raising a cross surmounted by the *fleur-de-lis*, and emblazoned with the legend: FRANCISCUS PRIMUS, DEI GRATIA FRANCORUM REX REGNAT. Attempts to colonize the valley were immediately made, but they ended in failure.

Samuel de Champlain was the father of Canada. He came to America with Pontgravé, in 1603. Sent up the St. Lawrence to Hochelaga, he was filled, like Cartier, with admiration as he viewed the country, and was at once convinced that this valley, and not Acadia, must be the seat of the future French-American Empire. Deeply patriotic and fervently religious, Champlain longed to plant among the forests and waters of the north a colony that should shed lustre on the arms of France and extend the bounds of the Catholic Church. The forests and waters abounded in the valuable furs that, next to gold and silver, were the prime object of search to the first American colonists; they would shield a colony from its enemies; while the great river that was lost in unknown regions of mystery would probably lead on to the lands of Marco Polo. He returned to France burning with desire to carry out this purpose. His coveted opportunity soon came; in 1608 he had the great happiness to plant, under the rock of Quebec, the first permanent French settlement in Canada. The next year he plunged into the wilds of Northern New York, where, near the head of Lake Champlain, he met a war party of Mohawk Indians. Although he destroyed the party,

Champlain was so much impressed by their courage, and by what he heard of the formidable confederacy to which they belonged, that on returning to Canada he directed his attention to the north and west, where he found man, if not nature, more tractable.

The Gulf and River St. Lawrence, and the streams that fall into the river on the north, gave the French easy entrance to the interior of the great continent. Ascending to the head of Lake Huron by the Ottawa, Lake Nipissing, and Georgian Bay, they were at the foot of Lakes Michigan and Superior, that stand to the Northwest in some such relation as the lung-lobes to the human body. Ascending the St. Lawrence to the southern shore of Lake Ontario, they had turned the left flank of the Appalachian Mountains, and gained the edge of that vast plain which stretches away to the Gulf of Mexico and the Rio Grande. The use that they made of these advantages will form the subject of a future chapter.

It was most fortunate that Champlain concluded not to invade the seats of the Iroquois, but to lay the foundations of New France farther to the north. Had he persisted in his first purpose, and been successful, he would have made the region in which the Genesee and the Richelieu, the Hudson and the Delaware, the Susquehanna and the Ohio take their rise French territory, and so have given the French the advantage of a position that two great generals have called the key to the eastern half of the United States.<sup>1</sup> As it was, Champlain fully won the title accorded him: "Father of New France." The planting of Quebec was the most important event that had taken place in North America since its discovery, save only the planting of Jamestown the previous year.

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<sup>1</sup> "General Scott, standing on the field of Bemus Heights, declared this Commonwealth [New York] to hold the military key of the continent east of the Mississippi, and on the same spot, General Grant confirmed the judgment." Roberts: *New York*, in *Commonwealth Series*, I., 124.

### III. THE ENGLISH ON THE ATLANTIC PLAIN.

John Cabot, sailing with a commission from Henry VII. of England, discovered North America in 1497. His son Sebastian visited it again in 1498. How much of the coast these navigators skirted, is matter of controversy; some say the whole coast from  $36^{\circ}$  to  $67^{\circ}$  north latitude. But it is certain that the elder Cabot made his landfall a year and more before Columbus touched the shore of the sister continent. Both the Cabots took possession of the country in the name of the English king, and English historians, statesmen, and jurists have always based on these voyages England's claim to that portion of North America which fell to her at the first apportionment.

For a long time, owing to her unwillingness to offend Spain, to her absorption in attempts to find the northeast and northwest passages, to her domestic troubles, and to her indifference, England took little interest in the new empire that the Cabots had given her; but toward the close of the sixteenth century she began to awake to her opportunity, and to take an interest in western planting. Her first colony was Jamestown, planted in 1607; and between that date and 1733 she had absorbed the Dutch and the Swedes on the Hudson and the Delaware, and divided the whole coast, often by boundary lines that ran to the Pacific Ocean, into thirteen colonies.

Both in respect to character and geographical position, the colonists of the Atlantic Plain present strong points of contrast to those on the Gulf coast and those in the St. Lawrence Valley. They were not adventurers thirsting for gold and conquest, like the Spaniards; nor were they trappers, traders in furs, *voyageurs*, and priests intent on Indian evangelization, like the French. There was, indeed, in most of the thirteen colonies a considerable infusion of adventure, but it took the direction of business rather than of conquest. Nearly all the

English colonists were interested in industry, trade, and politics; and many of them, as the New Englanders and Marylanders, came seeking in the wilderness those religious and civil rights that were denied them at home. They were not blind to the advantage of the fur trade, nor wholly indifferent to the religious state of the Indians; but Indian trade was the smaller part of their commerce, and their religious zeal took the direction of establishing a new church where they could themselves live at peace rather than of converting the savages to the old one. Accordingly, they were more than content to plant their settlements by the sea.

Then the English seem to have been more thoroughly than either the French or the Spaniards under the influence of those false ideas of the North American continent that did so much to shape the course of history.

To the imagination of Europe, America was first an archipelago. The explanation of this belief is due to several circumstances: to Columbus's expectation that he would first come to the outlying Asiatic islands; to his belief that the West Indies were the islands that he expected to find; and to the fact that the early voyagers to North America touched the coast at widely separated parts, which geographers were unable for a long time properly to connect. In 1660 Endicott called New England "this Patmos," and as late as 1740 the Duke of Newcastle directed letters to the "Island of New England."

Navigators and geographers next conceived of our continent as a long and narrow strip of land running north and south, cut by water-ways that connected the two oceans. Most evident signs that a great continent lay behind the shore that seamen touched at points as remote as Labrador and Mexico, such as the great rivers that came down to the sea, were constantly disregarded. "A Mapp of Virginia" sold in London in 1651 lays down Hudson River as communicating by "a mighty great lake" with "the sea of China and the Indies," and carries a legend running along the shore of Cali-

foria, "whose happy shores (in ten days' march with fifty foot and thirty horsemen from the head of James River, over those hills and through the rich adjacent valleys beautified with as profitable rivers which necessarily must run into that peacefull Indian sea) may be discovered to the exceeding benefit of Great Britain and joye of all true English."<sup>1</sup> An official map of Maryland, published in 1670, and certified by a competent authority to be by "no means a bad one," represents the Alleghanies above the Cumberland Mountains, and gives this description of them: "These mighty high and great Mountaines, trending N.E. and S.W. and W.S.W., is supposed to be the very middle ridg of Northern America and the only Natural cause of the fierceness and extreame stormy cold winds that come northwest from thence all over this continent and makes frost."<sup>2</sup> This conception of North America explains the endeavors of Smith, Hudson, and Cartier to find the India road in the rivers that they explored. It explains also the fact that Captain Newport, in 1608, brought over from England a barge so constructed that it could be taken to pieces and then put together, with which he and his company were instructed to ascend the James River as far as the falls, then to carry their barge beyond the falls and descend to the south sea, "being ordered not to return without a lump of gold as a certainty of the said sea." This persistent misconception of North America was due to that mental prepossession which prevented men seeing any insuperable obstacle to their finding a western sea-road to the Indies, and to the fact that Balboa, Drake, and others, from the mountains of Darien, had seen the two oceans that wash its shores. It is well to illustrate this false notion thus at length, because evidences of its influence in history are abundant.

Shut out from the Gulf of Mexico by the Spaniards, and from the River St. Lawrence by the French; not caring to

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<sup>1</sup> Narrative and Critical History, III., 465.

<sup>2</sup> Browne: Maryland, in the Commonwealth Series, 100.

venture far from the coast inland, and actually confined to it by a great physical cause, the English were much slower than their rivals in seeing in North America a vast continent.

Then, when the English colonists ascended from one to two hundred miles the rivers coursing the Atlantic Plain they found themselves confronted by the Appalachian wall and their further progress arrested. Accustomed to pass and re-pass these mountains in a few hours' time at a dozen points, it is difficult for us to conceive how, at that day, they impressed the imaginations of men and retarded the spread of settlements to the West. The southern Indians called them the "Endless Mountains," the English, sometimes, "the Great Mountains."

The memorials of the first emigrants to Ohio, although the best natural roads had now been discovered and improved, and all obstruction from the Indians had ceased, tell us how difficult of passage they found these mountain ridges. In fact, at the close of the last century, the safest, easiest, and quickest line of travel from Philadelphia or Baltimore to Central Kentucky, or even to Fort Hamilton, that stood on the present site of Cincinnati, led to Wadkins' Ferry on the Potomac; thence up the Shenandoah Valley, through Martinsburg, Winchester, and Staunton; thence over the "divide" to New River and on to Cumberland Gap—the "Wilderness Road" of early Western emigration, the "Valley Road" of recent warfare—and thence by Crab Orchard and Lexington to the Ohio.<sup>1</sup>

At the north, Nature had indeed prepared a highway to the West; but the Mohawk Valley was exposed to attack from Canada, as the burning of Schenectady shows, while the people of the Long House blocked the Englishman's way to the Lake Basin almost as effectually as they blocked the Frenchman's way to the sources of the Delaware and the Susquehanna. The Iroquois were generally friendly to the

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<sup>1</sup> Speed: *The Wilderness Road*, 12, 23.



English and hostile to the French ; but that haughty, jealous race were but little more disposed to see their ancestral seats invaded by their friends than by their foes.

The facts now presented account for the extreme tardiness of the English colonists in entering the country west of the Appalachian Mountains. It is related that one Colonel Abraham Wood, who dwelt at the falls of the Appomattox, with a party of hunters and traders, crossed the Blue Ridge and discovered New River in 1654. It is said that a Captain Henry Batte, in 1666, coming also from Appomattox, crossed the mountains, and followed for some distance a stream flowing westward. It is further related that a Captain Bolton reached the Mississippi in 1670; that a party of New Englanders, in 1677, made their way overland to New Mexico, and on their return told their story to the Boston authorities; and that Virginians were at the falls of the Kanawha in 1671. To find authority for these reports, or any of them, seems a hopeless undertaking. Parkman says neither the Wood nor the Bolton tale is "sustained by sufficient authority," and he pronounces the Boston story "without proof and improbable."<sup>1</sup>

The tenacity with which the English colonists clung to the coast, their meagre ideas of the continent behind them, and the lack of romantic elements in their life, are well illustrated in Governor Spotswood's famous adventure to the Shenandoah Valley in August and September, 1716. We have the authority of the governor for saying that a company of Virginians ascended the Blue Ridge Mountains, "Tho' they had hitherto been thought to be unpassable," in 1610; but he himself was the first to lead the way into the valley beyond. Attended by some members of his staff, Spotswood proceeded in his coach from Williamsburg to the frontier. Here he was joined by some Virginia gentlemen and their retainers, a company of rangers, and four Indians, fifty persons in all.

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<sup>1</sup> La Salle and the Discovery of the Great West. Introduction.

Taking to horse, the gay company took their westward way by the upper Rappahannock. On the thirty-sixth day from Williamsburg they scaled the mountains, and saw the valley beyond that has commanded so much admiration. After drinking the king's health, they descended the western slope to the river, which they crossed and named the "Euphrates." The governor took formal possession of the region for George I. of England. Much light is thrown upon the convivial habits of Virginians at that time by an entry found in the diary of the chronicler. "We got all the men together and loaded their arms, and we drank the king's health in champagne and fired a volley, the princess' health in Burgundy and fired a volley, and all the rest of the royal family in claret and a volley; we drank the governor's health and fired another volley. We had several sorts of liquors: viz., Virginia red wine and white wine, Irish usquebaugh, brandy, shrub, two sorts of rum, champagne, canary, cherry punch, cider, etc." The lapse of eight weeks and the distance of 440 miles travelled, going and coming, brought Spotswood back to Williamsburg. He now celebrated the hardships of the journey by creating the "Knights of the Golden Horseshoe." To ascend the mountains the horses had been shod with iron, which was unnecessary in tide-water Virginia; and the governor caused small golden horseshoes, set with jewels and inscribed with the legend, *Sic juvat transcendere montes*, to be made in London and distributed among his companions. This expedition was important in results, but its most noticeable feature is its date, 1716. This was one hundred and nine years after the landing at Jamestown, and thirty-four years after La Salle had navigated the Mississippi from the Illinois to the Gulf. Spotswood's main object was to study the relation of the Virginia frontier to the French in the Lake country. How little advantage he derived from his observations and inquiries of the Indians is well told in this paragraph from one of his letters, written in 1718:

"The chief aim of my expedition over the great mountains, in 1716, was to satisfy myself whether it was practicable to come at the Lakes. Having on that occasion found an easy passage over that great ridge of mountains w'ch before were judged impassable, I also discovered, by the relation of Indians who frequent those parts, that from the pass where I was it is but three days' march to a great nation of Indians living on a river w'ch discharges itself in the Lake Erie; that from ye western side of one of the small mountains w'ch I saw that lake is very visible, and cannot, therefore, be above five days' march from the pass aforementioned, and that the way thither is also very practicable, the mountains to the westward of the great ridge being smaller than those I passed on the eastern side, w'ch shews how easy a matter it is to gain possession of those lakes."<sup>1</sup>

Who the first Englishmen were to pass the Great Mountains and descend the streams flowing to the setting sun, can never be known. They undoubtedly belonged to that class of Indian hunters who, following every stream to its head-spring, and entering every gap in the mountain ranges, discovered the path leading from the Potomac by Wills' Creek to the Ohio in 1748, and who, a little later, "gave names to the streams and ridges of Tennessee, annually passed the Cumberland Gap, and chased game in the basin of the Cumberland River."<sup>2</sup> They are men who have no individuality, as have the French discoverers in the north and west. The influence of the Colonial character in confining the English to the sea-shore has been pointed out; the reflex of that confinement upon the Colonial character and life will receive attention in another place; but here the observation may be dropped that the colonists were a long time developing the

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<sup>1</sup> Cooke, Virginia, in the Commonwealth Series, 314, 315, and Waddell, *Annals of Augusta County*, 6-9, give accounts of the Spotswood expedition. The passages quoted are from Waddell.

<sup>2</sup> Bancroft : *History*, II, 362; III, 63.

typical Indian hunter and fighter. Such men as Boone and Kenton and Wetzel belong to the country west of the mountains.

By a sort of tacit agreement, the three powers adopted priority of discovery as the rule for dividing and appropriating North America. Spain was at first disposed to claim the whole continent under the papal bull of 1493 ; but the maritime enterprise, military and naval power, and diplomatic force of England and France compelled her to admit them to a share of the spoil. The Spanish navigators and explorers from Columbus to De Soto gave the Gulf region to Spain ; Cartier gave the St. Lawrence to France ; the Cabots, the Atlantic Plain to England.

The adjustment of territorial claims and rights was a long and difficult process ; and it was only as the principle of use and settlement, and even the sword, was brought in to help out discovery that points of dispute were ever settled. The recognition by Spain of discovery as the ground of title left unanswered the question where the boundary line should be drawn between Florida and Georgia and the Carolinas, and the question was never put at rest until she yielded the whole peninsula in 1763. France at first claimed the Atlantic coast south of Nova Scotia under the voyage of Verrazzano ; but the failure of the Huguenot colonies in Carolina and Florida, and the resolution of England in insisting upon the Cabot title, led France to yield that shore, and to content her ambition with the north. The Cabots discovered the northeastern coast years before the first French navigator crossed the ocean ; but as England did not follow up discovery with settlement, and as the French made greater discoveries in that quarter, a vast region that might have been England's fell to France. Henry IV. of France, in the patent that he gave to De Monts, carried the southern boundary of Acadia to the latitude of Philadelphia ; and the English kings lapped their charters over upon the French, as we shall soon see. Again, under the rule

of priority Spain was entitled to the Mississippi Valley ; but, like England on the northeast coast, she did not follow discovery with occupation, and so the valley fell to France, who entered it from the north. This brought France and England into collision along the western side of the Alleghanies, as well as in the northeast and north. In general, the disputes as to the rightful ownership of a given region of territory grew out of one or both of two circumstances : a disagreement as to who the first discoverer was, or a disagreement as to how far the rights resulting from his discovery extended. Every one of the powers admitted that the others had territorial rights, but their quarrels never ended until France retired from the continent.

The remark should be added that it is impossible to represent correctly these facts on maps. The names "Acadia," "Virginia," and "Florida" stand for very different things at different times ; and at no particular time, for a full century following Jamestown, were their boundary lines defined. The lines of delimitation, drawn on the most carefully constructed maps, answer but a vague general purpose. The French included Plymouth and New Amsterdam in Acadia, and Spanish maps of the seventeenth century sometimes carry Florida beyond Quebec. But more absurd than this, some sixteenth-century geographers, and notably the Dutch, "out of spite to the Spaniards," include the whole of both North and South America in New France.<sup>1</sup>

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<sup>1</sup> Parkman : *Pioneers of France in the New World*, 183, 184, note.

### III.

## THE FRENCH DISCOVER THE NORTHWEST.

WHAT ready access to the heart of North America the Saint Lawrence gave the French, was pointed out in the first and second chapters. We are now to see what use they made of their opportunity.

The advantages of the position harmonized admirably with the French character, particularly as developed under the new conditions, and with the great ideas that underlay New France. These northern colonists shrunk from a life of material development like that of their southern neighbors; they had some agriculture, but they were not such tillers of the soil as the Puritans of Massachusetts Bay, the Dutch of Hudson River, the Quakers of the Delaware, and still less the Virginia or Carolina planters; they cared for no trade but that in furs and peltries; they were indifferent to civil and religious freedom, and had no share in that passion for political and religious progress that characterized the British colonists; and, so far from desiring a State without a king and a Church without a bishop, they could not even conceive of State and Church without them. They never developed a self-reliant colonial character, but were more than content to go on as they began—the children of patronage and power. But they desired to enlarge the borders of France and increase her glory; they loved the fur trade; and they longed to plant the emblems of the true faith beside all the unknown rivers and hidden lakes of the wilderness. Not only did the bolder minds burn to penetrate the secrets of the continent, but the majority, now hunters or farmers, and now soldiers or *voy-*

*ageurs*, loved the free and picturesque life of the forests and waters that made the history of Canada one long adventure. Dominion, evangelization of the Indians, and the fur trade were the three ideas on which the colony rested. The soldier, the priest, and the trader are the three types of character that are never out of our sight. In one marked feature the French plan of colonization differed from that of the English. The English found no place whatever, not even the smallest, for the Indians: the French made them the very centre and heart of their whole scheme. Sympathetic, social, pliable to new conditions, the French revealed a genius for getting on with the savages that is rather confirmed than disproved by their sore experience with the Iroquois. With such ideas as these, under leaders who combined adventure, religious zeal, and far-reaching policy, they gained the rear and northern flank of the English settlements, and, almost before the latter, absorbed with their farms and shops, fishing and trade, churches and politics, were aware of what was going on, well-nigh confined them to the narrow slope between the mountains and the sea. There is no reason to think that Champlain saw the final end; but he marked out the general plan, and was himself the first to put it in practice.

In 1611 Champlain made the rude beginnings of the city of Montreal. Here he and the French traders met the wild warriors and hunters as they descended the St. Lawrence and the Ottawa: he to win influence over the Indians and to gain knowledge of their country, they to buy the Indian catch of beaver-skins. In 1613, following two pioneers whom he had sent to winter with the Indians, he ascended the Ottawa, and thus began the first survey of the route by which the Canadian Pacific Railway passes from the valley of the St. Lawrence to the region of the Upper Lakes. Trusting the false tale of one of the two pioneers, he expected to reach a great northern sea that would bear him on to the regions of the East, which Columbus had sought in the western waters. Disappointed in this endeavor, he still reached the Isle des Allumettes, the

Indian half-way house to Lake Huron, before returning to Quebec. In this vast primeval forest, six years after Smith landed on the shore of the James, but seven years before the foot of Miles Standish touched Plymouth Rock, Champlain won the respect of the Indian tribes and displayed the emblems of his religion.

In the month of May, 1615, four Récollet friars, a branch of the great Franciscan order, landed at Quebec. They came by the procurement of Champlain to carry forward the work of Indian conversions. Having celebrated the first mass ever heard in Canada, they distributed to each a province of the wilderness empire of Satan. To Le Caron the Hurons were assigned; and soon the priest was on his way to their distant villages. As well the heroic temper of the man as his religious outlook is shown by a single sentence from one of his letters to a friend: "I must needs tell you what abundant consolation I found under all my troubles; for when one sees so many infidels needing nothing but a drop of water to make them children of God, he feels an inexpressible ardor to labor for their conversion, and sacrifice to it his repose and his life."<sup>1</sup> Soon the soldier followed the priest. Ascending the Ottawa and the Mattawan, crossing the portage to Lake Nipissing, and then descending French River and Georgian Bay, Champlain found his way to the "Mer Douce" of the French maps, the Lake Huron of ours. Striking inland from Thunder Bay, he found Le Caron already established in the country of the Hurons.

The savages were all expectation; for the white chief whose prowess on the battle-field they had already learned, had promised to lead them against the Iroquois. The attack upon the Senecas in Central New York proved a failure, and Champlain returned with the Hurons to their villages, where he spent the winter. In the spring he returned to his colony, where he had been given up for dead; and the first French

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<sup>1</sup> Parkman : *Pioneers of France*, 363, 364.



exploration undertaken with a settled plan was at an end. Three or four important things had been accomplished. The two early routes to Lake Huron had been discovered—one by the Ottawa and Nipissing, the other by the Trent and Lake Simcoe; “Mer Douce” and Lake Ontario, the first two of the five lakes seen by white men, had been found; French influence over the mind of the savages had been felt in a wider sphere; and, finally, the scene of the future Huron Mission had been visited. It was Champlain’s last and greatest achievement as an explorer; it was the first step toward the French possession of the old Northwest, and also the first in that long march which more than a hundred years later brought Frenchmen and Englishmen together in deadly strife beyond the Great Mountains.

Were we sketching the broader subject, we should now turn aside to watch the experiment of Indian evangelization tried by the Jesuits, who had succeeded the Récollets, among the Hurons. Mr. Parkman has told that story with his accustomed learning and eloquence. Here two facts will suffice. Just as the Jesuits were thanking God for what seemed an assured success—the conversion of a savage nation to the Cross—the Iroquois fell upon them, and scattered the Hurons in a storm of blood and fire. Secondly, the destruction of this mission, rather the truculent fury of the “Romans of the West” that caused it, was an important element in great questions. Mr. Parkman tells us that, could the French have brought the haughty Iroquois within the circle of their full influence, American history would still have reached its destined goal, but by somewhat different paths. Tamed savages ruled by priests would have been scattered through the valleys of the Lakes and the Mississippi; slaughter would have been repressed and agriculture developed; the Indian population would not have declined, if it did not increase; and the fur trade would have enriched Canada. France would have filled “the West with traders, settlers, and garrisons, and cut up the virgin wilderness into fiefs, while as yet the colonies of

England were but a weak and broken line along the shore of the Atlantic ; and when at last the great conflict came, England and Liberty would have been confronted, not by a depleted antagonist, still feeble from the exhaustion of a starved and persecuted infancy, but by an athletic champion of the principles of Richelieu and Loyola." While the Iroquois blocked the Englishman's way to the West, they also turned the Frenchman aside from the St. Lawrence and the Lower Lakes to the Ottawa and Nipissing; they ruined the fur trade "which was the life-blood of New France;" they "made all her early years a misery and a terror;" they retarded the growth of Absolutism until Liberty was equal to the final struggle; and they influence our national history to this day, since "populations formed in the ideas and habits of a feudal monarchy, and controlled by a hierarchy profoundly hostile to freedom of thought, would have remained a hindrance and a stumbling-block in the way of that majestic experiment of which America is the field."<sup>1</sup>

Etienne Brulé, who had served Champlain as an interpreter in his journey to the "Mer Douce," was the first to penetrate the region beyond that body of water. This he did before 1629, bringing back with him an ingot of copper and a description of a lake that well fits Lake Superior, its size, length, and the rapids by which it discharges its waters.

In 1634 Jean Nicollet, a hardy explorer and trained woodsman, passed through the Straits of Mackinaw, discovered Lake Michigan, and made his way to Green Bay. He remained in this region a year, during which time he heard much of a "great water" to the west that he took to be the sea, but which was really the Mississippi River. He appears to have been on the Wisconsin, for he says if he had paddled three days more he should have reached the sea.

In 1641 Fathers Jogues and Raymbault preached to two

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<sup>1</sup> The Jesuits in North America, 446-449.

thousand Indians, Ojibwas and others, at the Saut Sainte Marie.

In 1659-1660 Grosselliers and Radisson reached the head of the great Lake, and visited Indians dwelling among the streams and lakes of Western Wisconsin and Eastern Minnesota. They also visited the country beyond Lake Superior, and were the first to give the world information of those formidable tribes, the Sioux.

In 1661 Father Ménard and Jean Guerin penetrated the Upper Peninsula of Michigan, leaving Lake Superior at Keweenaw Bay. Their lines of travel are lost in history, as their footsteps are in the wilderness, but some writers suppose that they actually found the Mississippi.

The French had now discovered, and in this order, four of the Great Lakes: Huron, Ontario, Superior, and Michigan. From the day that he found the "Mer Douce," Champlain probably conjectured that its waters mingled with those of the Ottawa under the rock of Quebec; but years elapsed before the connection was thoroughly established. The Father of New France laid down a connection on his map of 1632, representing Lake Erie as a widened river; but on some maps of later date the Upper and Lower Lakes are wholly disconnected. In fact, the Susquehanna was once thought to be an outlet of Lake Erie. This lake was the very last to be discovered, as well as the very last to be thoroughly explored. It was known to the French as early as 1640, but we have no certain information of its navigation, nor of the river connecting it with Lake Huron, until 1669. In that year Louis Joliet, who ranks as an explorer next to Champlain and La Salle, returning from Lake Superior, where he had gone in quest of copper, made the passage and sailed along the northern shore to the eastward. At least, in September of that year we find Joliet, La Salle, and two Sulpitian priests in the woods of Grand River, between Lakes Erie and Ontario, discussing geography, trade, and Indian conversions. Adopting Joliet's advice, the Sulpitians concluded to go by the new

route to the far-distant Pottawatomies. In 1670 they ascended the Strait, stopping on the site of Detroit, and made their way to the Saut Sainte Marie. These priests were Galinée and Dollier, the first of whom made the earliest map of the Upper Lakes now known to exist.

Thus, from 1615 to 1670, while the English colonists were treading the paths of their hard practical life, making farms and towns, fighting the Indians, and contending with the home government for rights and privileges, the French were laying open the northwestern lands and waters, but making no use of Lake Erie in carrying on their hardy operations. The reasons of this are essential to the meaning of our story. Le Caron and Champlain had found Lake Huron by ascending the Ottawa, and had thus set the direction of northwestern travel. Later, however, the route by Lake Simcoe was more frequently used by the Jesuits and fur traders. The base of the great triangle forming Southwestern Canada was shorter than the two sides. Moreover, the Ottawa route was not much harder than the one by the lake. The *voyageur* or the priest made his way along either route in a birch-bark canoe, and carrying over the portages, or around the rapids, while more laborious than paddling, still broke the monotony of what was at best a wearisome life. But more than all the rest, the northern route was far less dangerous. It lay through the country of the friendly Algonquins and Hurons, while the hostile Iroquois wholly barred or made very perilous the portage of the Niagara. Had it not been for the great river that discharges its floods into the St. Lawrence opposite the island of Montreal, northwestern discovery would have been retarded for half a century. The site of Detroit, the best on the Lakes for the purposes of the French, owing to its water-transportation, its relations to the Indians, and its neighborhood to the beaver-grounds, was not known until 1669, and not occupied until 1701; and then the finder and the founder came from Canada by the Ottawa and Lake Huron.

The same facts explain another curious surprise in the

early history of this region. The territory comprised within the present State of Ohio was the last portion of the Northwest to be explored and claimed by the French. French maps that lay down the far northern waters with much correctness, leave us almost wholly ignorant of the size and configuration of Lake Erie. Maps that correctly figure the rivers of Canada and of Illinois make the Ohio and the Wabash one stream, called "Wabash or Ohio," flowing from its source almost due west, and thus nearly obliterating the State of Ohio. Sometimes Lake Erie runs south far toward the Gulf of Mexico; and later its course is due east and west. Charlevoix's map of 1744 bears on the southern side of the lake the words, "this shore is almost unknown," and Celoron's map of 1750 repeats the legend. Evans's and Mitchell's maps, both published in 1755, give the lake an almost east and west trend. It was at this time that the rivers of Ohio made their first appearance in cartography. The similar streams of Illinois and Wisconsin had long been known and mapped. "The great geographer, D'Anville of France, in 1755, lays down the Beaver, with the Mahoning from the west, rising in a lake, all very incorrectly, with Lake Erie rising to the northeast like a pair of stairs, and the Ohio nearly parallel to it."<sup>1</sup> Last of all, when the Connecticut Land Company sent its surveyors to Ohio, in 1796, it found, to its surprise and financial loss, that the Connecticut Western Reserve contained a million acres less land than had been supposed. The company should have charged the shortage to the Alleghany Mountains and the Iroquois: the mountains blocked the Englishman's path to the West, while the Iroquois, who exterminated the Eries about 1660, and whose hunting and war parties long roamed the waste that they had made, rendered the farthest extreme of the Northwest much safer ground than Ohio for the *voyageurs*, traders, and missionaries of France. Besides, the shorter

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<sup>1</sup> Hon. C. C. Baldwin, from whose tracts, published by the Western Reserve Historical Society, these facts are mainly gathered.

distance by the northern shore drew the travel to that side of the Lake.

Wherever they went the French took prudent thought for the morrow. June 14, 1671, Saint-Lusson, who had been sent from Canada for that very purpose, standing amid a throng of savages and a cluster of Frenchmen, by a white cross and a cedar post bearing the royal arms, that had been raised at the foot of the Saut Rapids, holding a sword in one hand and a clod of earth in the other, with religious and civil ceremonies, took possession of the Saut, the Lakes Huron and Superior, with all the countries, rivers, lakes, and islands contiguous and adjacent thereto, both those already discovered and those yet to be discovered, bounded on the one side by the seas of the north and west, and on the other by the South Sea, in the name of the High, Mighty, and Redoubtable Monarch, Louis XIV., the Most Christian King of France and Navarre. All that "now remains of the sovereignty thus pompously proclaimed," says Mr. Parkman, is "now and then the accents of France on the lips of some straggling boatman or vagabond half-breed—this, and nothing more."<sup>1</sup>

Meantime, the Jesuits, not cast down by the loss of the Huron Mission, were busy planting missions in the country beyond "Mer Douce."

The two most important of these missions, standing to the wilderness in some such relation as that of the early Christian monasteries of Western Europe to the surrounding heathenism, were those of Saut Sainte Marie and Saint-Esprit, the latter near the head of Lake Superior. The common rallying-points of Indians and Frenchmen alike, these missions became centres of real geographical information as well as of idle rumor and vague conjecture. Only a man who has brought his imagination to bear on the facts of wilderness life can conceive what was then going on. At any given time, some French discoverer might be paddling his canoe along

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<sup>1</sup> La Salle and the Discovery of the Great West, 42-44.

some unknown river, or toiling through some unknown forest, hundreds of miles from the nearest settlement or mission; and report of what he saw or did might be many months in finding its way to his countrymen. The yearly reports of the Jesuit missions, called "Relations," now that the Jesuits have become more secular and less spiritual, abound in natural knowledge,<sup>1</sup> which shows that the priests were grappling with the new questions that thronged upon the dullest minds, and which the brightest could not answer. Father Marquette had been stationed at Saint-Esprit, where he heard much of the mysterious river to find which had become the ambition of every ambitious Frenchman in New France.

La Salle came out to Canada at the age of twenty-three in 1666, burning with the great passion of the Age of Maritime Discovery—the thought of finding a western road to the riches of the East. Of all the men who shed lustre upon French discovery in New France, La Salle alone ranks beside Champlain. A band of Seneca Indians who wintered with him at his seigniory of La Chine, on the shore of Lake St. Louis, in one of the lulls of savage warfare, told him of a river called the Ohio that rose in their country and, at a distance of an eight moons' journey, emptied into the sea. Responding to that prepossession which leads men of ardent temper to interpret facts in the light of favorite theories and cherished purposes, he concluded that this river must flow to the Gulf of California. He had started with the Sulpitian priests on a journey to the Ohio, resolved to put this theory to the test, when by accident he met Joliet in the wilderness of Grand River. One of the questions that the little company discussed was that of a road to the great river of which the French were now hearing so much, from tribes as distant as the Senecas and the Sioux. Joliet, who had become familiar with the reports that floated to the missions of the Upper Lakes, contended that the road should be sought in

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<sup>1</sup> Parkman : La Salle, 29.

the northwest ; La Salle, who was fresh from his conference with the Senecas, contended as earnestly for the southwest. Joliet went on his way to Montreal. Galinée and Dollier, turned from their former purpose by his arguments, ascended the Strait of Detroit. La Salle, with his few followers, was left alone in the wilderness—alone, but not shaken in his purpose. Owing to the lack of original documents, and to the confusion of second-hand reports, the next two or three years of his life are wrapped in much obscurity, and are the subject of much vehement debate ; but it is now generally held that in those years La Salle discovered the Ohio, descending it to the Falls at Louisville, perhaps even to the Mississippi. But this conclusion, while no doubt sound, is reached by cautious criticism of fragmentary documents. La Salle's discovery in no sense made the Ohio known to the world, and the region between the lake and the river remained to be explored as late as the year 1750. There is some evidence going to show that in this obscure passage of his life La Salle descended the Illinois to the Mississippi. But History has adjudged the honor of discovering the great river to others, and she is not likely to change her verdict.

Plainly, the time had come for the Mississippi to be discovered ; and in 1672 Frontenac, the French governor, commissioned Joliet to make the discovery. At Mackinaw the intrepid explorer met the intrepid priest whose name will ever be associated with his own in Western annals. At the outset Marquette placed the enterprise under the patronage of the Immaculate Virgin, promising that if she granted them success the river should be named "The Conception." This pledge he strove to keep ; but an Indian word, the very meaning of which has been disputed, is its designation. Ascending the Fox River, crossing the portage to the Wisconsin, one of the most remote from Canada of the many portages uniting the two systems of waters, and then descending the Wisconsin, on June 17, 1673, they found themselves, probably first of white men since De Soto's companions fled from the



midnight burial of their chief, on the bosom of the Father of Waters. We shall not follow them as they descend the mighty flood to a point below the mouth of the Arkansas. Having satisfied themselves that the river did not flow to the sea of Virginia or to the Gulf of California, but to the Gulf of Mexico, they turned back toward the north, and, by way of the Illinois River, the Chicago portage, and Lake Michigan, returned to Green Bay, having paddled their canoes, in four months, two thousand five hundred miles. Joliet lived many years to encounter new perils, among them a journey by the Saguenay to Hudson Bay; but Marquette, worn out by labors and vigils, soon after died on the lonely eastern shore of Lake Michigan.

La Salle's ambition became more ardent the longer it was fed by his glowing imagination. But the triumph of Joliet and Marquette changed the current of his thoughts. Asia was no longer the vision that he saw in the west, but the Mississippi Valley. Spain had discovered the Mississippi, but had failed to take possession: he would fortify its mouth and hold the river against the world. England had planted her colonies on the Atlantic shore, claiming the whole continent behind them: he would gain their rear and shut the gateways of the West against them forever. In a word, he would change the seat of the French-American empire from the St. Lawrence to the Mississippi. It was La Salle who first distinctly conceived the policy that led on to Fort Duquesne, Braddock's defeat, and Forbes's march to the Forks of the Ohio.

Early in the year 1679, he built, near the foot of Lake Erie, the Griffin, a vessel of sixty tons burden, to be used in the prosecution of his plans. Money was needed, and he must supply it by trading in furs. August 7th the Griffin spread her sails for the northern waters. She was the first craft other than an Indian canoe or a boat propelled by oars that ever sailed our inland seas above Lake Ontario. On the 12th of that month she had reached the expansion of the Strait that

lies just above the city of Detroit. Unlike the Protestant explorers, the Catholic drew largely upon the Saints' calendar for geographical names; and the school-boy of to-day, as he pores over the map of North America, finds in the names of rivers, lakes, and capes valuable hints of early exploration. Of this we have an excellent example in the naming of Lake Sainte-Claire.

"The saint whose name was really bestowed, and whose day is August 12th, is the female 'Sainte Claire,' the foundress of the order of Franciscan nuns of the thirteenth century, known as 'Poor Claires.' Clara d'Assisi was the beautiful daughter of a nobleman of great wealth, who early dedicated herself to a religious life and went to St. Francis to ask for advice. On Palm Sunday she went to church with her family, dressed in rich attire, where St. Francis cut off her long hair with his own hands and threw over her the coarse penitential robes of the order. She entered the convent of San Damiano in spite of the opposition of her family and friends. It is related of her that on one occasion, when the Saracens came to ravage the convent, she arose from her bed, where she had been long confined, and placing the pyx, which contained the host, upon the threshold, she knelt down and began to sing, whereupon the infidels threw down their arms and fled. Sancta Clara is a favorite saint all over Europe, and her fame in the New World ought not to be spoiled—like the record of the dead in a battle gazette—by a misspelt name.

"F. Way, in his work on Rome, published in 1875, says: 'Sancta Clara has her tomb at the Minerva, and she dwelt between the Pantheon and the Thermæ of Agrippa. The tenement she occupied at the time of her decease still exists, but is not well known. In a little triangular place on or near Via Tor. Argentina lodged the first convent of the Clarisses. If, crossing the gate-way, you turn to the left of the court, you will face two windows of a slightly raised ground-floor. It was there Innocent IV. visited her, and there, on August 12, 1253, listening to the reading of the Passion, in the midst of her weep-

ing nuns, died the first abbess of the Clarisses and the founder of 4,000 religious houses.'"<sup>1</sup>

The lake named, the Griffin went on her way. From Green Bay, La Salle sent her on the return voyage loaded with furs. She was never heard of again, to La Salle's most bitter disappointment. What was her fate will always be a matter of conjecture.

Who were the first white men to penetrate the territory of Illinois, probably can never be told with certainty. It is clear that the Illinois River had been visited by white men before Joliet and Marquette ascended it on their way northward in 1673. At least, there is a map in existence of earlier date on which the upper parts of the river are laid down.<sup>2</sup> Perhaps the readiest answer to the question that this map suggests is, that La Salle actually discovered the Illinois in 1672. Marquette returned to the Indian town of Kaskaskia after his first visit, to establish the mission of the Immaculate Conception, but his stay was of short duration. La Salle's eye was on the Illinois when he ascended the Lakes in 1679. Part of the Griffin's cargo was rigging and anchors for a vessel to be built on that river, with which he expected to sail down the Mississippi and make the West Indies. When he parted with his vessel at Green Bay, he ascended the western shore of Lower Michigan, and built Fort Miamis at the mouth of the St. Joseph River. Ascending this river to the Kankakee portage, in December, he crossed to that stream, and launched his eight canoes, containing thirty-three men, himself, Tonty, and Hennepin included, on its current. Passing places soon to become memorable in western annals, as "Starved Rock" and Peoria Lake, he finally stopped at a point just below the lake and began a fortification. He gave to this fort a name that, better than anything else, marks the desperate condition of his affairs. Hitherto he had refused to believe that the

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<sup>1</sup> Hubbard : *Memorials of a Half Century, 164-166.*

<sup>2</sup> Parkman : *La Salle, 23.*

Griffin was lost—the vessel that he had strained his resources to build, and freighted with his fortunes; somewhere on the Lakes she must be afloat, perhaps driven by the storm into some sheltering bay, perhaps aground on some hidden bar. But as hope of her safety grew faint, he named his fort *Crève-cœur*—"Broken Heart." Neither his ardent temper nor the state of his affairs would permit him to stand still. Having put a vessel on the stocks, and despatched Hennepin to the Upper Mississippi, he left Tonty in command of the post, and started on a winter journey to Canada to procure material for her construction. Here fresh disappointments met him, and he returned to his Illinois fort to find that he had named it even better than he knew: the fort had been plundered and was deserted.

In the autumn of 1681, La Salle once more travelled the long road leading from the St. Lawrence to the head of the "Lake of the Illinois," as he called Lake Michigan. The winter following, he dragged his canoes on sledges to the Illinois River, and then launched them on its stream. On February 6, 1682, he found himself on the river that he had so long sought, and which fate seemed to have decreed that he should never reach. April 9th following, he and his little party stood just above the mouth of the Mississippi, beside a column bearing the arms of France, with an appropriate inscription, and a cross, with a leaden plate, also appropriately inscribed, buried near. Some hymns having been chanted, amid volleys of musketry and shouts of "Long live the King" La Salle took formal possession, for his royal master King Louis XIV. of France and Navarre, of the country of Louisiana, from the mouth of the Ohio along the Mississippi and the rivers which flow into it from its source beyond the country of the Sioux to its mouth at the sea, and also to the mouth of the River of Palms. Another hymn was chanted, and renewed shouts of "Live the King!" completed the transaction.

This act was far more significant than the similar one per-

formed by Saint-Lusson at the Saut, eleven years before. It closed the Mississippi to the Spaniards for one hundred years; it led to a French colony in Louisiana; it made necessary that chain of wilderness posts which Braddock sought to pierce at the Forks of the Ohio in 1755. That the Mississippi Valley was laid open to the eyes of the world by a *voyageur* who came overland from Canada, and not by a *voyageur* who ploughed through the Atlantic and the Gulf of Mexico from Spain, is a fact of far-reaching import. The first Louisiana was the whole valley; this and the Lake-St. Lawrence Basin made up the second New France. How the two blended and supplemented each other geographically, as well as their first historical relations, have been indicated. Before we lose sight of the act that La Salle performed that April day we should mark the date that fixes its relation to the English colonies—1682, the year that Penn laid out the squares of Philadelphia, but thirty-four years before Spotswood and his retinue drank their wine on the banks of the Shenandoah.

Our present theme is the discovery of the Northwest. Other matters have been introduced only as they lead up to that grand result. But French ambition was not absorbed by the Mississippi problem. Frenchmen pushed into the great forests and plains beyond the sources of that river. In the seventeenth century, they knew the "thousand lakes" of Minnesota better than Americans knew them fifty years ago. Du Lhut, for whom the terminus of the Northern Pacific Railroad is named, before the year 1700 explored much of the region through which that railroad runs. Nor have we attempted more than an outline map of the earliest history of the old Northwest. Having done so much—having indicated how the French, long before the English reached the foot-hills of the Alleghanies, had crossed and threaded the great western valley, we are ready to attempt a similar map of early Northwestern colonization.

But before essaying that task, a word concerning the en-

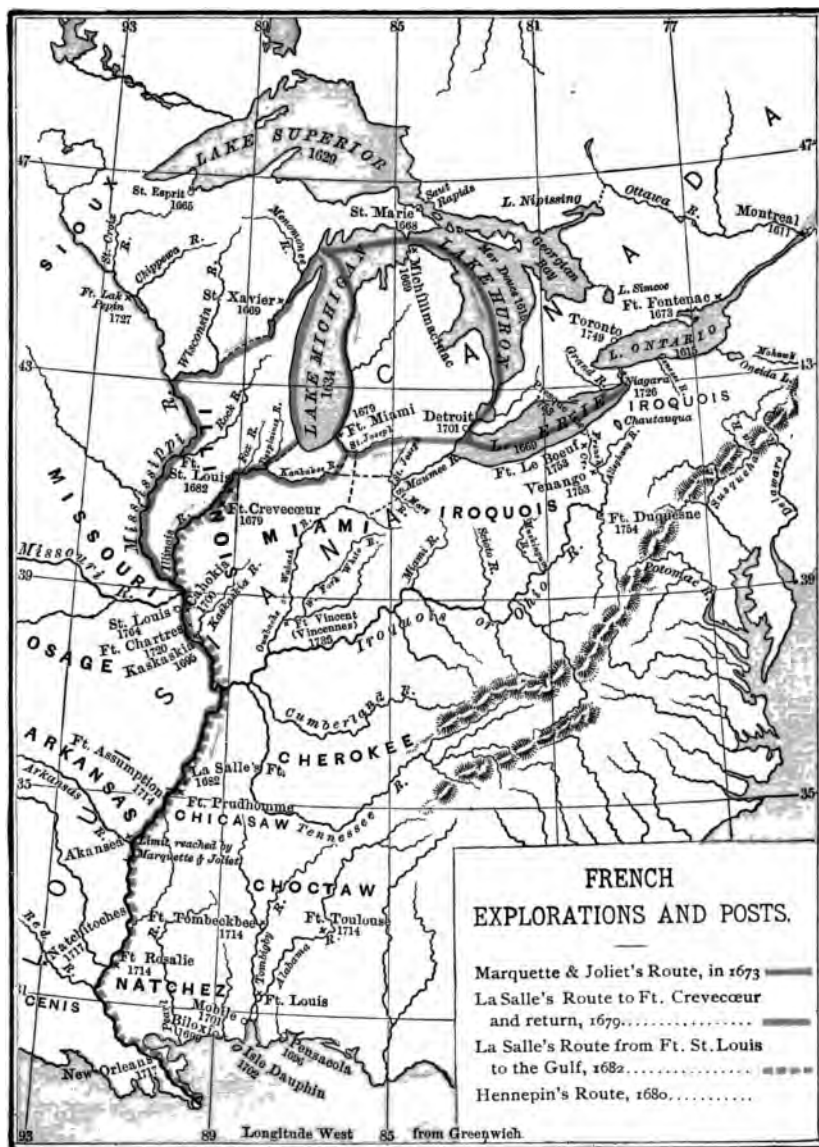
chanting tale of French discovery in North America. As we read that tale, we seem, for the time, to be looking out of the wondering eyes with which the French first surveyed this new northern and western world—the eyes of Cartier as he sailed up the St. Lawrence; of Champlain as he paddled his bark canoe up the current of the Richelieu or shouldered it around the rapids of the Ottawa; of Nicollet as he steered through the Straits of Mackinaw into the expanse of Lake Michigan; of Joliet as he rowed beneath the cliffs of the Saguenay—the eyes of Brulé at the Saut, of Hennepin at Niagara, of Marquette on the River of Conception, of Du Lhut in the country of the Dakotas—the eyes of La Salle as he descended the Ohio, followed the Indian trails of Illinois and Arkansas, or pronounced that sounding formula at the mouth of the Mississippi—we seem to look out of their eyes upon this virgin world of forest and stream, of prairie and lake, of buffalo and elk, of natural beauty and human ugliness. But, after all, our impressions are faint compared with theirs. Ideal presence is not real presence. Even if we could follow them on their old paths, we could not undo the great changes that civilized man has wrought. Nor can we recall the innocence of their eyes any more than we can renew the devotion of their hearts to King and Church. All that is possible for us is a pale picture of as grand a panorama of natural beauty and sublimity as was ever unrolled to the vision of explorers. To men like Champlain, Marquette, and La Salle, exploring New France was a poem whose splendor almost made them forget the hardships and perils of the exploration.

#### IV.

### THE FRENCH COLONIZE THE NORTHWEST.

THE English colonies in America began with villages and outlying farms; the French colonies, with missionary stations, fortified posts, or trading houses, or with the three combined. The triple alliance of priest, soldier, and trader continued through the period of colonization. Often, but not always, settlements grew up around these missions or posts; and these settlements constituted the colonies of New France.

Immediately following the visit of Le Caron and Champlain to the "Mer Douce," in 1615, the Récollet Fathers established missions on its eastern side, which, however, soon passed into the hands of the Jesuits. These missions were stepping-stones to the regions beyond. The reader who has followed the narrative thus far will not be surprised to learn that the French beginnings in the Northwest were within the Upper Peninsula of Michigan. Some of these beginnings long ago disappeared, others became permanent settlements. Saint-Esprit, at La Pointe, planted by Allouez in 1665, is one example of the first; Saut Ste. Marie, planted by Marquette in 1668, of the second. This village is the oldest town in the Northwest—fourteen years older than Philadelphia, and one hundred and twenty years older than Marietta, O. A mission was planted on the island of Michilimackinac within a year of that at the Saut. This establishment was soon removed to Pointe St. Ignace, on the mainland, to the north and west, and afterward to the northern point of the Southern Peninsula. But we are not able to trace a continuous





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history from the mission to the Mackinaw of the fisherman and tourist of to-day.

The beginnings made in Lower Michigan bear such important relations to facts of larger moment that time must be taken to point them out.

In previous chapters I have spoken of the English colonists as contented with their prosaic life, and as not seeking to enter the regions beyond the Mountains and the Lakes. This requires some qualification. Within the State of New York are the Hudson and the Mohawk Rivers. The Dutch, having a passion for beaver equal to that of the French themselves, early occupied the confluence of the two streams, and then began throwing out advanced settlements along the line of the smaller one. The English conquest of the Dutch colony did not at once change its character. Furs long continued the leading staple of its commerce. The two rivers presented the readiest means of reaching the west found south of the St. Lawrence. From the very first, the people of New York cultivated good feeling and commercial relations with their neighbors of the "Long House;" and these, whether in peace or war, were able to influence all the tribes to the very sources of the Mississippi. After they had crushed the Hurons, these intractable warriors claimed Southwestern Canada as their own; and after their western conquests they set up a claim to all the lands to the Mississippi, south of the southern boundary of Michigan. No nation was ever more jealous than the Six Nations; but the skilful diplomatists of New York succeeded in winning from them many valuable concessions, some of which they did and some of which they did not understand. These will be more fully noticed in another place; but here it is important to remark that after the colony had passed into English hands, they sometimes permitted the New York traders to pass through their country to the Lakes. Once on the shore of Lake Erie, the traders were but a few days' paddling from the best beaver-grounds in the whole Northwest—those of the lower Michigan Peninsula.

"The region between Lake Erie and Saginaw was one of the great beaver-trapping grounds. The Huron, the Chippewas, the Ottawas, and even the Iroquois, from beyond Ontario, by turns sought this region in large parties for the capture of this game, from the earliest historic times. It is a region peculiarly adapted to the wants of this animal. To a great extent level, it is intersected by numerous water-courses, which have but moderate flow. At the head-waters and small inlets of these streams the beaver established his colonies. Here he dammed the streams, setting back the water over the flat lands, and creating ponds, in which were his habitations. Not one or two, but a series of such dams, were constructed along each stream, so that very extensive surfaces became thus covered permanently with the flood. The trees were killed, and the land was converted into a chain of ponds and marshes, with intervening dry ridges. In time, by nature's recuperative process—the annual growth and decay of grasses and aquatic plants—these filled with muck or peat, with occasional deposits of bog-lime, and the ponds and swales became dry again.

"Illustrations of this beaver-made country are numerous enough in our immediate vicinity. In a semicircle of twelve miles around Detroit, having the river for base, and embracing about one hundred thousand acres, fully one-fifth part consists of marshy tracts or prairies, which had their origin in the work of the beaver. A little farther west, nearly one whole township, in Wayne County, is of this character."<sup>1</sup>

Such temptation as this the Dutch and English traders could not be expected to resist. When Denonville came to Canada as governor, in 1685, he found New France beset on either side. The English of Hudson Bay were seeking to draw the trade of the Northwestern tribes to those northern waters; the English of New York were seeking to draw it to Hudson River. The competition threatened to become too keen; for the Englishman offered cheaper goods, and the Indians liked his rum as well as they did the Frenchman's brandy.

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<sup>1</sup> Hubbard : *Memorials of a Half Century*, 362-363.

But more than this, Governor Dongan of New York had divined the ideas of La Salle, and had begun to counterwork them. He proposed that the English should enter the west, exclude the French, and limit them to the St. Lawrence. It was a war of ideas. It was at this time that New York obtained from the Iroquois the first of those concessions that afterward played so important a part in English policy, and became the basis of the New York claim to the western country. The two mother countries were at peace; but Denonville and Dongan conducted a long correspondence growing out of the rival claims, often angry, sometimes bitter. The French governor sometimes despaired of his cause, although he triumphed in the end. The Iroquois were never friendly to the French, and often hostile; and they now strove to alienate the Northwestern tribes from them. But Denonville had some great advantages over his rival. He was absolute in Canada, and was thoroughly supported by his king, while Dongan was wholly unsupported. The English king was a creature of Louis XIV.'s, and the colonies other than New York, although Dongan was upholding their common cause, were wholly indifferent to the issue. But he might have won but for one force that he was powerless to overcome: he had no weapon that he could oppose to the French *coureurs des bois*. These redoubtable bush-rangers, always proud of their French blood and language, and always impatient of French authority; devoted to the King, but caring nothing for his law; leading a life picturesque and reckless; with the bravery and generosity of the traditional outlaw; familiar with every stream and at home in every forest; delighting in illicit trade; often under the ban of the governor; ready to confess themselves or quick to shed blood; rapidly succumbing to the hardships and dangers of their irregular life, but still more rapidly recruited from the settlements—the *coureurs des bois* now rendered to New France one of their greatest services. They had become so numerous that every family in Canada was said to have a member in the bush. They had great in-

fluence with the Indians; they hated the English; and they were often envied by their countrymen who followed more orderly lives. They had their own leaders, some of whom could bring together five or six hundred men. Du Lhut was the most celebrated of these, and in this first crisis of North-western history he played a conspicuous part. He built a fort on the northern side of Lake Superior, to control the road from the Upper Lakes to Hudson Bay. He also pointed out to Denonville the importance of closing the gate-way of Detroit. The governor gave him a commission to close it, which Du Lhut hastened to execute. In 1686 he built Fort St. Joseph, at the head of the Strait, near where Fort Gratiot afterward stood. St. Joseph was abandoned and destroyed soon after, but not until a fort had been built on the site of Detroit. This action had not been taken a moment too soon, for immediately we hear of men from New York on their way to Mackinaw. In 1686 and 1687 strong parties of English and Dutch traders, escorted by Iroquois warriors, made this attempt; the first of these had actually passed St. Joseph before it was discovered and captured, the second was stopped on Lake Erie. Nor did the English then give over the attempt to penetrate the upper country; we hear afterward of New York traders at various places, and notably in the neighborhood of Fort Miamis, on the St. Joseph, in 1694. But building and garrisoning forts were only a part of the services rendered in this trying time by the *coureurs des bois*. They placated the Indians, and patrolled the forests and lakes for stray Englishmen. So competent an authority as Judge Campbell expresses the opinion that but for them the Michigan region would have fallen into English hands before the close of the seventeenth century.<sup>1</sup> But before the Strait of Detroit was occupied by the French, plantings had already been made farther to the west.

From the time of La Salle's visit in 1679, we can trace a

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<sup>1</sup> Political History of Michigan, 40.

continuous French occupation of Illinois. After La Salle had navigated the great river to the Gulf, he had a double-headed scheme. First, he would plant a colony on the Illinois to hold the country against the Six Nations, who extended their forays to the Mississippi, to protect the western Indians, and to gather furs. A second colony, planted at the mouth of the Mississippi, would command Lower Louisiana and receive and ship to France the furs gathered on the upper waters. He would bind together the two colonies by a chain of fortified posts, which should also be continued through the Lake country to the settlements on the St. Lawrence. He now changed the scene of his northern operations. He planted his citadel of St. Louis on the summit of "Starved Rock," proposing to make that the centre of his colony. This undertaking well under way, he started for France to carry out the second part of his programme. Further we shall not follow this indomitable explorer, except to say that in 1687, while seeking, by an overland journey to Canada, to save from destruction his southern colony, that, either by mistake or treachery, had been landed in Texas rather than at the mouth of the Mississippi, he was slain by an assassin of his own party, just one hundred years before Anglo-American institutions were established in the territory that he had called his own. La Salle was the father of Illinois. At first his colony was exceedingly feeble, but it was never discontinued. "Joutel found a garrison at Fort St. Louis . . . in 1687, and in 1689 La Hontan bears testimony that it still continued. In 1696 a public document proves its existence ; and when Tonty, in 1700, again descended the Mississippi, he was attended by twenty Canadians, residents on the Illinois."<sup>1</sup> Even while the wars named after King William and Queen Anne were going on, the French settlements were growing in numbers and increasing in size ; those wars over, they made still more rapid progress. Missions grew into settlements and parishes.

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<sup>1</sup> Monette : History of the Mississippi Valley, I., 153, 154.

Old Kaskaskia was begun in what La Salle called the "terrestrial paradise" before the close of the seventeenth century.

The Wabash Valley was occupied about 1700, the first settlers entering it by the portage leading from the Kankakee. Later the *voyageurs* found a shorter route to the fertile valley. Ascending the Maumee, then called "The Miami of the Lake," whose heads are interlaced with those of the Wabash, and crossing the short portage leading to that stream, they could descend to the Ohio. As the Frenchmen found their way to the confluence of the two streams by the Wabash, and as they knew little of the Ohio, then called "the River of the Iroquois," they took the Wabash for the main stream. Post Vincents, the Vincennes of our maps, was planted in 1735, and became the principal of a long but thin line of settlements.

The nearest road from Canada to the Mississippi lies through the State of Ohio, the most remote through the State of Wisconsin; the Ohio portages were the last to be travelled by the French, that of the Fox and the Wisconsin was the first. The Iroquois long excluded the French from Ohio, and the remoteness of Wisconsin, aided perhaps by the rigor of the climate, tended to a similar result. Still, the Jesuits planted several missions in the latter State. That of St. Francis Xavier, planted by Claude Allouez, the founder of Saint-Esprit, at Green Bay, in 1669, was the most important, and became, in course of time, the nucleus of a small French settlement. Mention may also be made of Prairie du Chien and of the post on Lake Pepin.

The French located their principal missions and posts with admirable judgment. There is not one of them in which we cannot see the wisdom of the priest, of the soldier, and the trader combined. The triple alliance worked for an immediate end, but the sites that they chose are as important to-day as they were when they chose them. The fact is, nature had decided all these questions ages before the soil of the New World had been pressed by the white man's foot. Marquette

called the Straits of Mackinaw "the key, and, as it were, the gate for all the tribes from the South as the Saut is for those of the North, there being in this section of the country only these two passages by water, for a great number of nations have to go by one or other of these channels in order to reach the French settlements. This presents a peculiarly favorable opportunity both for instructing those who pass here and also for obtaining easy access and conveyance to their places of abode." The straits were called the "home of the fishes." "Elsewhere, although they exist in large numbers," says Marquette, "it is not properly their home, which is in the neighborhood of Michilimackinac. It is this attraction which has heretofore drawn to a point so advantageous the greater part of the savages in this country, driven away by fear of the Iroquois."<sup>1</sup> La Salle's colony of St. Louis was planted in one of the gardens of the world, in the midst of a numerous Indian population, on the great line of travel between Lake Michigan and the Mississippi River. Kaskaskia and the neighboring settlements held the centre of the long line extending from Canada to Louisiana. The Wabash colony commanded that valley and the Lower Ohio. Detroit was a position so important that, securely held by the French, it practically banished from the English mind for fifty years the thought of acquiring the Northwest. The Indians and the beavers have long since disappeared from the region lying between the lakes and the Mississippi; that region has twice changed hands since those early days; the whole country has been transformed by the hand of man; but the Saut Canal, the Mackinaw shipping, and the cities of Chicago, St. Louis, and Detroit show us how geography conditions history, as well as that the savage and the civilized man have much in common. Then how unerringly were the French guided to the carrying places between the Northern and the Southern waters, viz., Green Bay, Fox River, and

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<sup>1</sup> Cooley: Michigan, in Commonwealth Series, II.



the Wisconsin; the Chicago River and the Illinois; the St. Joseph and the Kankakee; the St. Joseph and the Wabash; the Maumee and the Wabash; and, later, on the eve of the war that gave New France to England, the Chautauqua and French Creek routes from Lake Erie to the Ohio.

Much of this work was done while hostilities were in progress. About the time that King William's War began, in 1689, Governors Dongan and Denonville were both recalled. No English governor or commander succeeded to Dongan's ideas, while Count Frontenac vigorously prosecuted the policy of La Salle. In America the advantage of the war lay decidedly with the French. The Iroquois never recovered from the blows that Frontenac dealt them. The Northwestern Indians were more completely wedded to the French interest. Louisiana was colonized. Posts and settlements connecting the mouths of the St. Lawrence and the Mississippi were established. The Strait of Detroit was guarded by a fortified post. The Treaty of Ryswick, that will be more fully characterized in another place, left all colonial disputes to future wars. The English challenge to the discoverers of the West was hurled back beyond the mountains, there to lie until renewed a half-century later. But the challenge had been given, and was sure to be renewed; and it is very probable that, if a statesman having the genius of William Pitt had then directed British counsels, British ascendancy in the Western country would have been established during the progress of King William's War.

Still New York did not at once resign her Western plans and aspirations. In 1701 the Iroquois conveyed to King William III. all their claims to the country formerly occupied by the Hurons. These were the lands bounded by Lakes Ontario, Huron, and Erie, "containing in length about 800 miles, and in breadth 400 miles, including the country where beavers and all sorts of wild game keeps."<sup>1</sup> The Iro-

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<sup>1</sup> Campbell : Political History of Michigan, 57.

quois did not lay claim to the Lower Peninsula of Michigan, but this grant nevertheless covered Detroit or "Fort De Tret," as the deed calls it. Nor did the French feel altogether easy. La Motte Cadillac, afterward governor of Louisiana, who had for some time seen that the fort at Detroit was no longer adequate, recommended a settlement. Receiving little encouragement in Canada, he carried his plan across the ocean. He returned with authority from the minister Ponchartrain to carry it out. Cadillac came to the spot, July 24, 1701, with fifty soldiers and fifty artisans and tradesmen, a Jesuit missionary, and a Récollet chaplain. He built a fort, which he named Ponchartrain, for the French minister, and began the settlement of Detroit. This settlement marks the real beginning of civil and political history within the present limits of Michigan.

In due time the French began to establish themselves on the Northern frontier of the British colonies. They built Fort Niagara in 1726, four years after the English built Fort Oswego. Following the early footsteps of Champlain, they ascended to the head of the lake that bears his name, where they fortified Crown Point in 1727, and Ticonderoga in 1731. Presque Isle, the present site of the city of Erie, was occupied about the time that Vincennes was founded in the Wabash Valley. Finally, just on the eve of the last struggle between England and France, the French pressed into the valleys of the Alleghany and the Ohio, at the same time that the English also began to enter them.

Writers like Monette, with a strong French bias, speak admiringly of the growth of the French settlements in the West.<sup>1</sup> This was more rapid than the early growth of the Canadian settlements, but very slow as measured by the English colonies, not to speak of the Western settlements of the United States.

In 1712 old Kaskaskia was the capital of Illinois. In 1721

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<sup>1</sup> History of the Mississippi Valley, Book II., Chaps. III., IV.

it was the seat of a college and a monastery. Fort Chartres, founded in 1720, was the later capital, and one of the most formidable fortresses on the continent. A report of the population of the Mississippi settlements in 1766 assigns sixty-five permanent families to Kaskaskia, forty-five to Cahokia, sixteen to St. Philip, twelve to Prairie du Rocher, and forty to Fort Chartres. These villages, with the outlying farms, probably represented a population of twenty-five hundred souls. But this was after the English domination began, and the decline may have already begun. Monette claims a population of two or three thousand for Kaskaskia when it was at its best estate. He also asserts that, in 1730, the settlements on the Illinois embraced one hundred and forty families, besides about six hundred converted Indians, many traders, *voyageurs*, and *coureurs des bois*. In 1765 Croghan, the Indian agent, found about one hundred families at Vincennes and Ouiatenon, and no doubt there were others scattered along the river thus he did not see. The same year Rogers, the redoubtable partisan soldier, found eighty or one hundred families, and about six hundred souls, within the stockade at Detroit, and about twenty-five hundred in the settlement, which extended up and down the river, on both sides, some eight miles. Judge Walker estimates the total white population between the lakes and the two rivers at ten thousand, at the close of the war that transferred the sovereignty to England, and the estimate would seem a liberal one.<sup>1</sup>

Surely this is a poor showing for three quarters of a century of growth in the garden of the West. But we must remember the ideas upon which New France was builded. The trader was opposed to settlements because they meant the destruction of his trade. The Jesuit was opposed to them because they meant the destruction of his mission-field. The *voyageur* and the *coureur des bois* were opposed to them be-

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<sup>1</sup> The Northwest during the Revolution, in Michigan Pioneer Collections, III., 12 et seq.

cause they meant the destruction of their favorite modes of life. Only the soldier was left, and his business was not colonization. Then the French people, dearly attached to their native country, have no real genius for colonies. In the seventeenth century the French Protestants would have been only too glad to plant colonies in America that would have shed lustre upon the name of France; but the same spirit that made them desirous of removing to America made it impossible for them to do so. Great pains were taken to protect the colonies against dangerous ideas. The strength that comes from freedom and self-dependence was resolutely suppressed; colonial initiative in business or politics was not permitted; trade, and particularly the fur-trade, was kept in the hands of grinding monopolies; there was no politics, no printing press, no independent intellectual or religious life; the throne was the seat of power as well as the fountain of honor; in a word, New France was protected to death. The Old Régime crushed the life out of Canada, but no Frenchmen in the world were more devoted to the Old Régime than the Canadians. The king expended great sums of money on the colony, but corruption in Quebec, if possible, was ranker than corruption in Paris. A colony without colonists is an impossibility, but this the home government did not seem to understand. Some of the more far-seeing governors called for agriculturists and artisans, and notably Jonquière, who wanted ten thousand peasants sent over to people the Ohio Valley; but these calls made little impression, and led to no change of policy.

In 1765 Croghan reported the *habitants* of the Wabash as "an idle, lazy people, a parcel of renegades from Canada," "much worse than the Indians," and those of the Detroit as "generally poor wretches, a lazy, idle people depending chiefly on the savages for subsistence," "whose manners and customs they have certainly adopted." Judge Walker supposes that these descriptions apply to the *voyageurs* and *coureurs des bois*, who flocked into the settlements in great

numbers in periods of idleness, rather than to the active and substantial traders and farmers, "many of them respectable, and some of noble birth and connections."<sup>1</sup> No doubt this is perfectly true, but it is also true that the French settlements produced these classes in great numbers. In fact, one reason why the Frenchman got on so happily with the Indians was that he readily became an Indian himself. This peculiar development of wilderness-life is pertinent to Dr. Ellis's pregnant remark, that for every Indian converted to Christianity hundreds of white men have fallen to the level of barbarism. Besides, Croghan visited the Wabash and the Detroit soon after the close of the war, when the population was no doubt much demoralized.

The industries of the Western settlements were furs, peltries, and agriculture. Twenty thousand hides and skins are said to have been shipped from the Wabash in 1705. The towns on the Mississippi were peculiarly well situated to carry on the fur-trade, since they could reach the whole upper country to the very sources of the river. The settlers early began to cultivate the soil. Besides growing maize and the vegetables of the New World, they introduced the European grains, vegetables, and fruits. In 1746 the Wabash country shipped six hundred barrels of flour to New Orleans, besides large quantities of hides, peltry, tallow, and bees-wax. The Detroit *habitants* also cultivated the soil, but that settlement drew large quantities of supplies from the Illinois. Describing the trade that sprung up between the Illinois country and Lower Louisiana, Monette says, furs, peltries, grain, flour, etc., were sent down the Mississippi to Mobile, and thence to the West Indies and to Europe; "and in return, the luxuries and refinements of European capitals were carried to the banks of the Illinois and Kaskaskia Rivers." Chartres was "the centre of life and fashion in the West." "The Jesuit College at Kaskaskia continued to

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<sup>1</sup> Michigan Pioneer Collections, III., 12 et seq.

flourish until the irruption of hostilities with Great Britain." The same writer finds "six distinct settlements, with their respective villages," on the Mississippi in 1731, extending from Cahokia, five miles below the present site of St. Louis, to Kaskaskia on the river of that name, five miles above its mouth.

While conceding such decided advantages to the French in their competition with the English that he expresses surprise that their grip of the St. Lawrence and the Mississippi was ever loosened, Professor Shaler still holds that they had some disadvantages. Canada is covered with drift, which is commonly fitted for cultivation at great cost of labor, and is north of the corn and pumpkin belt. After describing the American method of tilling the corn and the pumpkin, by which two crops are produced on the same land in one year, while the girdled trees are still standing, Professor Shaler remarks: "It is hardly too much to say that, but for these American plants and the American method of tilling them, it would have been decidedly more difficult to have fixed the early colonies on this shore."<sup>1</sup> The point is well taken as to Canada, but not as to the West, where the two plants were thoroughly native to the soil.

The first Louisiana, in a geographical sense, is that of Franquelin's great map, 1684. On the Gulf it extends from Mobile to the mouth of the Rio Grande; on the north, the line runs along the shore of Lake Erie, and then northwest by the sources of the streams flowing into Lake Michigan until lost in the far North. East and west, it takes in the drainage of the Mississippi, and the Gulf streams beyond as far as the Rio Grande.<sup>2</sup> The first political Louisiana was the grant made to Anthony Crozat, in 1712: "The River St. Louis, heretofore called the Mississippi, from the edge of the sea as far as the Illinois, together with the River of St. Philip, here-

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<sup>1</sup> The Physiography of North America: Introduction to Narrative and Critical History of America, IV.

<sup>2</sup> Parkman: La Salle, 289, note.

tofore called the Missouri, and of the St. Jerome, heretofore called the Ouabache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Louis."<sup>1</sup> Crozat's Louisiana was a separate colony, but not wholly independent of Canada. In 1717 Illinois, with limits not very different from those of the present State, was made a separate government, but still dependent upon Louisiana. Still later the Wabash country was separated from Illinois. It is foreign to our own purpose to describe the machinery by which these governments were carried on. But they were personal governments—governments of officers not of laws. The governor and the intendant commonly quarrelled, as the king no doubt expected and desired them to do. What constant pains were taken to smother the very germs of political life is well shown by a letter that Colbert wrote to Frontenac in 1672.

"It is well for you to observe that you are always to follow in the government of Canada the forms in use here ; and since our kings have long regarded it as good for their service not to convoke the states of the kingdom, in order, perhaps, to abolish insensibly this ancient usage, you on your part should very rarely, or, to speak more correctly, never give a corporate form to the inhabitants of Canada. You should even, as the colony strengthens, suppress gradually the office of the syndic who presents petitions in the name of the inhabitants ; for it is well that each should speak for himself and none for all."<sup>2</sup>

Such a letter as this prepares us for the fact that "on politics and the affairs of the nation, they [the Illinois inhabitants] never suffered their minds to feel a moment's anxiety, believing implicitly that France ruled the world and all must be right." Major Stoddard, writing about the year 1804, says that the people of Louisiana "did not relish at first the change in the administration of justice when they came under the juris-

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<sup>1</sup> Narrative and Critical History, V., 28.

<sup>2</sup> Cooley : Michigan, 9, 10.

diction of the United States. The delays and the uncertainty attendant on trial by jury, and the multifarious technicalities of our jurisprudence, they could not well comprehend, either as to its import or its utility, and it is not strange that they should have preferred the more prompt and less expensive decisions of the Spanish tribunals."<sup>1</sup>

The French colonists were utterly indifferent to what Americans call political rights. They could no more comprehend the men trained in the English colonial school than such men could comprehend them. What fervent appeals the Continental Congress made to the Canadians to join in the war against Great Britain! What sacrifices the States made to break the British power in Canada! And what a very meagre response was made to the appeals and sacrifices alike! Some of the Canadians cast in their lot with the States: the Western *habitants* were generally friendly to the patriot cause, but this was owing to their hostility to England rather than to any conception that they had of what was involved in the contest. There is, perhaps, no better measure of the provincialism of the Revolutionary Fathers than their quiet assumption that the Canadians, steeped to the lips in *ancien régime*, had political sentiments and aspirations like their own. Possibly the national pride of a few Canadians was touched when the Congress of 1774, in the address to the people of Canada, invoked the shade of "the immortal Montesquieu;" but that was all. The incapacity of the Canadians to manage representative institutions and the jury system was urged as a reason for restoring the French system of laws, when the Quebec bill was before Parliament; and it is impossible to deny force to the argument. In fact, the want of political ideas and habits, on the part of the *habitants* of Illinois, was a serious inconvenience when the time came to organize society on an Anglo-Saxon basis.

Finally, the cruel oppression of the monopolies, and the

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<sup>1</sup> Monette: History of the Valley of the Mississippi, i., 191, 194.



restrictive policy of the government, had much to do with driving the young men of Canada from regular industry into the woods; and the remoteness of the Illinois settlements from Quebec and New Orleans helps to explain their comparative prosperity.

Turgot was right when he compared colonies to fruit that falls to the ground when ripe, but colonies never ripen under such a regimen as this.

## V.

# ENGLAND WRESTS THE NORTHWEST FROM FRANCE :

### THE FIRST TREATY OF PARIS.

THIS contest was the culmination of the long and bitter struggle of England and France for supremacy in the New World. I shall rapidly review the main facts leading up to this culmination, and then assign to the West its place in the controversy.

Professor J. R. Seeley has attempted to show that "Expansion" is the key to English history in the seventeenth and eighteenth centuries; that the wars of England and France grew out of their colonial rivalries; and that the explanation of the policies of the two powers must be sought in Asia, the Indies, and America.<sup>1</sup> There is a considerable measure of truth in the propositions that the English professor expounds with so much eloquence and learning; but there is an unmistakable difference between the first four Anglo-French wars in America and the last one of the series. The very names that three of them bear indicate their origin and nature: they were wars of kings and queens. These wars began in Europe; they grew out of Old World quarrels, and the treaties of peace that ended them were mainly concerned with Old World matters. The colonies fought because the mother countries fought. The fifth and last of these wars began in America; it was waged here two years before it was declared

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<sup>1</sup> The Expansion of England.

in Europe; it involved a distinct and most important American question; and the terms of peace affected the welfare and destiny of America more than of any other part of the globe.

In 1629, when the colonies of both powers were in their very infancy, David Kirk captured Quebec and sent the garrison to Europe; but, on the conclusion of peace, the conquest was given up to France, and the life of the colony began again.

King William's War, 1689-97, was but the extension to America of the great European contest growing out of the ascension of William and Mary to the throne of England. The most striking features of this war are the massacres of Schenectady, Salmon Falls, the seizure and plunder of Port Royal, and the two unsuccessful attempts to invade and reduce Canada, one made by way of Lake Champlain and the other by the Lower St. Lawrence. Peace came with the Treaty of Ryswick in 1697, each belligerent surrendering all countries, islands, forts, and colonies, wherever situated, that he had captured, belonging to the other at the opening of hostilities.

Queen Anne's War, 1702-13, was a prolongation of the one that preceded it. It is the American phase of the war of the Spanish succession. Again the English colonists captured Port Royal, thenceforth called Annapolis, and again they vainly attempted, both by the Champlain and the St. Lawrence routes, the reduction of Canada. America is much more prominent in the Treaty of Utrecht than in the Treaty of Ryswick. Newfoundland and the adjacent islands, and Nova Scotia, or Acadia, "with its ancient boundaries," were ceded to the English Crown. The treaty also restored to Great Britain the Hudson Bay region, which had fallen into French hands, and contained an agreement, "on both sides, to determine within a year, by commissaries to be chosen forthwith, named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to France." Another stipulation of the treaty was the springing point of bitter controversies that we shall have occasion to

touch upon hereafter. This was the admission, on the part of France, that "the five nations or cantons of Indians" were "subject to Great Britain."

King George's War, 1744-48, is the American phase of the war of the Austrian succession. The single incident that need be mentioned is the capture, by the English colonists, aided by a British fleet, of Louisburg and the whole island of Cape Breton, an heroic exploit that was rendered abortive by the treaty of Aix-la-Chapelle, which restored all conquests made in the war, on either side, to the original owners. For many years there had been angry disputes between the two powers concerning their American boundaries. In particular had there been a dispute as to the boundaries of Acadia, surrendered by France to England in 1713, His Britannic Majesty claiming the vast region bounded by the Gulf and River St. Lawrence, the ocean, and New England, His most Christian Majesty denying that his royal brother was entitled, by the Treaty of Utrecht, to more than a part of the peninsula of Nova Scotia. The treaty of Aix-la-Chapelle left all these questions open, and provided for a commission empowered to settle them. This commission was appointed, but it never accomplished more in its three years' discussions than to accumulate some volumes of arguments that convinced nobody. The fact is, the question at issue had got beyond the power of diplomatists in the year 1748. All they could do was to leave it for soldiers to settle.

Matters were left in such condition, both in Europe and America, by the treaty of Aix-la-Chapelle, that the peace could not last long on either continent. We are not concerned with the situation on the other side of the ocean, but on this side we must give it a rapid survey.

The close of King George's War was marked by an extraordinary development of interest in the Western country. The Pennsylvanians and Virginians had worked their way well up to the eastern foot-hills of the last range of mountains separating them from the interior. Even the Connecticut

men were ready to overleap the province of New York and take possession of the Susquehanna. The time for the English colonists to attempt the Great Mountains in force had been long in coming, but it had plainly arrived.

In 1748 the Ingles-Draper settlement, the first regular settlement of English-speaking men on the Western waters, was made at "Draper's Meadow," on the New River, a branch of the Kanawha. The same year Dr. Thomas Walker, accompanied by a number of Virginia gentlemen and a party of hunters, made their way by Southwestern Virginia into Kentucky and Tennessee. The names of Cumberland River, Cumberland Mountains, Cumberland Gap, and Louisa River are mementos of this excursion. The Cumberlands all take their name from the Duke of Cumberland, the hero of Cullo-den, celebrated in Campbell's line—

"Proud Cumberland prances, insulting the slain,"

and the Louisa River was named for the royal duke's wife.

The same year the Ohio company, consisting of thirteen prominent Virginians and Marylanders, and one London merchant, was formed. Its avowed objects were to speculate in Western lands, and to carry on trade on an extensive scale with the Indians. It does not appear to have contemplated the settlement of a new colony. The company obtained from the crown a conditional grant of five hundred thousand acres of land in the Ohio Valley, to be located mainly between the Monongahela and Kanawha Rivers, and it ordered large shipments of goods for the Indian trade from London. These goods were to be carried to the Upper Potomac, and then, by a road that the company proposed to build for transportation and travel, to the waters of the Ohio. In 1750 the company sent Christopher Gist, a veteran woodsman and trader living on the Yadkin, down the northern side of the Ohio, with instructions, as Mr. Bancroft summarizes them, "to examine the Western country as far as the Falls of the Ohio; to look for a large tract of good level land; to mark

the passes in the mountains; to trace the courses of the rivers; to count the falls; to observe the strength of the Indian nations."<sup>1</sup> Under these instructions, Gist made the first English exploration of Southern Ohio of which we have any report. The next year he made a similar exploration of the country south of the Ohio, as far as the Great Kanawha. The determination of the company is shown by its declaration that it would go to the Mississippi, if necessary, in order to find good lands. Gist's reports of his explorations added to the growing interest in the over-mountain country. At that time the Ohio Valley was waste and unoccupied, save by the savages, but adventurous traders, mostly Scotch-Irish, and commonly men of reckless character and loose morals, made trading excursions as far as the River Miami. The Indian town of Pickawillany, on the upper waters of that stream, became a great centre of English trade and influence.

Another evidence of the growing interest in the West is the fact that the colonial authorities, in every direction, were seeking to obtain Indian titles to the Western lands, and to bind the Indians to the English by treaties. The Iroquois had long claimed, by right of conquest, the country from the Cumberland Mountains to the Lower Lakes and the Mississippi, and for many years the authorities of New York had been steadily seeking to gain a firm treaty-hold of that country. In 1684, the Iroquois, at Albany, placed themselves under the protection of King Charles and the Duke of York; in 1726, they conveyed all their lands in trust to England, to be protected and defended by his Majesty to and for the use of the grantors and their heirs, which was an acknowledgment by the Indians of what the French had acknowledged thirteen years before at Utrecht. In 1744, the very year that King George's War began, the deputies of the Iroquois, at Lancaster, Pa., confirmed to Maryland the lands within that province, and made to Virginia a deed that covered the whole

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<sup>1</sup> History, ii., 362, 363.

West as effectually as the Virginian interpretation of the charter of 1609, soon to be noticed. This treaty is of the greatest importance in subsequent history ; it is the starting-point of later negotiations with the Indians concerning Western lands. It gave the English their first real treaty-hold upon the West ; and it stands in all the statements of the English claim to the Western country, side by side with the Cabot voyages. Again at Albany, in 1748, the bonds binding the Six Nations and the English together were strengthened, and at the same time the Miamis were brought within the covenant chain. In 1750-54 negotiators were busy with attempts to draw to the English interest the Western tribes. Council fires burned at Logstown, at Shawneetown, and at Pickawillany, and generally with results favorable to the English.

There was, indeed, no small amount of dissension among the colonies, and it must not be supposed that they were all working together to effect a common purpose. The royal governors could not agree. There were bitter dissensions between governors and assemblies. Colony was jealous of colony. Mercenary traders appealed to the fears of the Indians, telling them, what was true enough, that the English wanted their lands. Every argument pointed to the necessity of fortifying the Forks of the Ohio ; but the dispute as to jurisdiction between Virginia and Pennsylvania which broke out in 1752 not only left the increasing population to its own natural turbulence, because neither colony ventured to appoint magistrates, but made both wary of spending money that might prove to be for the greater advantage of the other. It is to be feared that English interests in the West would have been wrecked at last had they been abandoned wholly to governors and assemblies. There were men among them of statesman-like forecast, but these could not give direction to affairs. Fortunately, the cause of England and the colonies was not abandoned to politicians. The time had come for the Anglo-Saxon column, that had been so long in reaching

them, to pass the Endless Mountains ; and the logic of events swept everything into the Westward current.

In the years following the treaty of Aix-la-Chapelle the French were not idle. Galissonière, the governor of Canada, thoroughly comprehended what was at stake. In 1749 he sent Cèloron de Bienville into the Ohio Valley, with a suitable escort of whites and savages, to take formal possession of the valley in the name of the King of France, to propitiate the Indians, and in all ways short of actual warfare to thwart the English plans. Bienville crossed the portage from Lake Erie to Lake Chautauqua, the easternmost of the portages from the Lakes to the southern streams ever used by the French, and made his way by the Alleghany River and the Ohio as far as the Miami, and returned by the Maumee and Lake Erie to Montreal. His report to the governor was anything but reassuring. He found the English traders swarming in the valley, and the Indians generally well disposed to the English. Nor did French interests improve the two or three succeeding years.

The Marquis Duquesne, who succeeded Galissonière, soon discovered the drift of events. He saw the necessity of action ; he was clothed with power to act, and he was a man of action. And so, early in the year 1753, while the English governors and assemblies were still hesitating and disputing, he sent a strong force by Lake Ontario and Niagara to seize and hold the northeastern branches of the Ohio. This was a master-stroke : unless recalled, it would lead to war ; and Duquesne was not the man to recall it. This force, passing over the portage between Presque Isle and French Creek, constructed Forts Le Bœuf and Venango, the second at the confluence of French Creek and the Alleghany River.

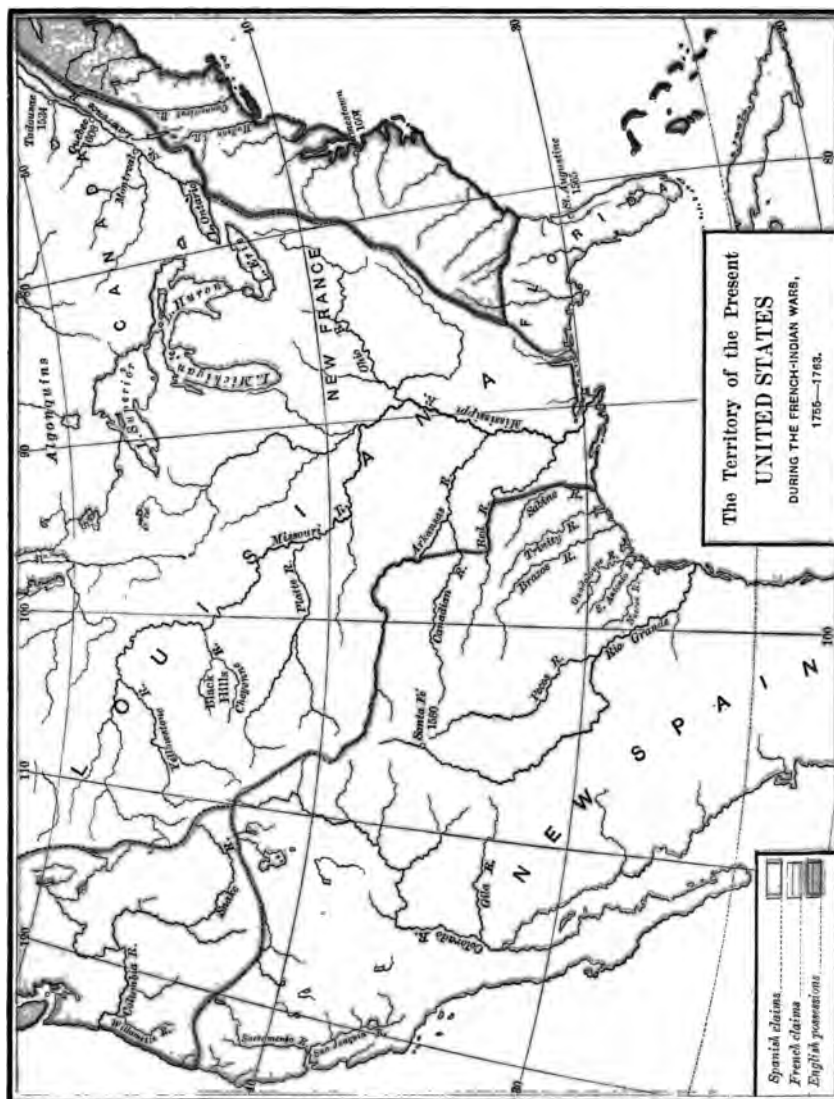
George Washington now makes his first historical appearance. He comes with a commission from Lieutenant-Governor Dinwiddie, of Virginia, to inquire of the officer commanding the French force by whose authority and instructions he has invaded the territories of the King of Great Britain, and to



demand his peaceable departure. He returns to Williamsburg with the answer that the French commander will refer the matter to the governor, at Quebec, and that in the meantime he shall continue to hold his ground. It was now winter, and nothing more could be done that season, but early the next year a small force of Virginians was sent to seize and fortify the Forks of the Ohio. Before the works that should have been built two or three years before could be completed, or the men building them could be reinforced, the French descended the Alleghany in stronger numbers and captured both fort and garrison. They demolished the English fortification, and built a much stronger one, that they called Fort Duquesne. As usual, they had been too prompt for their rivals. They had seized the door to the West. This was an unmistakable act of war, and it precipitated at once the inevitable contest.

"Inevitable contest!" The words sound like a decree of fate. But when two hostile armies, moving on converging roads, reach the point of convergence, a battle follows. The French column, with the St. Lawrence as a base, has been long moving in the direction of the Ohio; the English column, with the seaboard as a base, has also been moving toward the same destination; they enter the valley at practically the same time, the French asserting their right to the country on the ground of discovery and occupation, the English asserting their right by virtue of the Cabot voyages, the Iroquois protectorate, and the Indian purchases. Given the character of Englishmen and Frenchmen—given the geographical relations of the Atlantic Plain to the St. Lawrence-Lake Basin, and the relations of both these to the Mississippi Valley, a contest for the West was inevitable from the time that the foundations of Jamestown and Quebec were laid down, unless, indeed, one of the two powers should overwhelm the other at an earlier day.

"French America had two heads—one among the snows of Canada, and one among the cane-brakes of Louisiana; one





communicating with the world through the Gulf of St. Lawrence, and the other through the Gulf of Mexico. These vital points were feebly connected by a chain of military posts—slender and often interrupted—circling through the wilderness nearly three thousand miles. Midway between Canada and Louisiana lay the Valley of the Ohio. If the English should seize it, they would sever the chain of posts and cut French America asunder. If the French held it, and intrenched themselves well along its eastern limits, they would shut their rivals between the Alleghanies and the sea, control all the tribes of the West, and turn them, in case of war, against the English borders—a frightful and insupportable scourge.”<sup>1</sup>

Braddock’s army was the wedge intended to split French America asunder, but it was shattered to pieces at the battle of the Monongahela.

The shifting scenes of the French and Indian war will not here be painted even in outline. But it is essential to bring out in bold relief several of its larger features.

Mr. Bancroft says the question at the opening of the struggle was, which of the two languages should be the mother tongue of the future millions of the West—whether the Romanic or the Teutonic race should form the seed of its people. But the question soon became wider than the West. From the moment that William Pitt became, in 1757, the genius of the English Cabinet, England contemplated nothing less than the reduction of all Canada. Pitt’s policy was to crush the French colonial empire in both worlds, and he distinctively grasped the American issue. Mr. John Richard Green says of Pitt: “He felt that the stake he was playing for was something vaster than Britain’s standing among the powers of Europe. Even while he backed Frederick in Germany, his eye was not on the Weser, but on the Hudson and the St. Lawrence.” Pitt himself said in the House of Commons: “If I

send an army to Germany, it is because in Germany I can conquer America.”<sup>1</sup>

From the moment that the war became one of conquest it was more than ever a war of geography. The French strongholds were Louisburg in Cape Breton, Quebec and Montreal on the St. Lawrence, Ticonderoga at the head of Lake Champlain, Fort Frontenac at the foot of Lake Ontario, Fort Niagara on the river of that name, Detroit, that held the connection between the lower and upper Lakes, and Fort Duquesne, at the Forks of the Ohio. Niagara and Duquesne were the two keys to the West. Duquesne's military relation to the Ohio Valley was more important then than its commercial relation is now. To Canada there were three lines of approach: one by Lake Ontario, one by Lake Champlain and the Richelieu, and one by the Lower St. Lawrence. The almost insurmountable obstacles offered by every one of these were overcome, and in 1760 the conquest of Canada was effected by three armies that converged at Montreal from the three directions, on the same day. However, when the war became one of invasion and conquest the advantages of the two parties were reversed—the French moved on the exterior and longer, and the English on the interior and shorter, line.

“‘Geography,’ says Von Moltke, ‘is three-fourths of military science;’ and never was the truth of his words more fully exemplified. Canada was fortified with vast outworks of defence in the savage forests, marshes, and mountains that encompassed her, where the thoroughfares were streams choked with fallen trees and obstructed by cataracts. Never was the problem of moving troops encumbered with baggage and artillery a more difficult one. The question was less how to fight the enemy than how to get at him. If a few practicable roads had crossed the broad tract of wilderness the war would have been shortened and its character changed.”<sup>2</sup>

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<sup>1</sup> History of the English People, iv., 195.

<sup>2</sup> Parkman: Montcalm and Wolfe, ii., 380.

At the outset both of the powers had much to say of boundaries and rights. The French claimed, by right of discovery and occupation, all lands draining to the St. Lawrence, the Lakes, and the Mississippi, a plain geographical principle of demarcation that would have given them much of New York and Pennsylvania, as well as all the West, and have confined the English to the Atlantic Plain. It is true that French occupation, while perhaps fulfilling the demands of international law, did not answer the purposes of civilization; but when we contrast the heroic ardor of the French *voyageurs*, soldiers, and priests who opened up the Great West to the vision of men with the apathy of the English colonists, although our judgment approve the final issue, we can but agree with Mr. Parkman when he says France's "pretensions were moderate and reasonable compared with those of England."<sup>1</sup> England having nothing to show in the fields of Western discovery and exploration, rested on the Cabot voyages and the Iroquois title. The Cabot title was never allowed in the Court of Nations, and was abandoned in 1763 by England herself, while the acknowledgment of 1713 that the dominion of the Iroquois was in the English Government gave but the flimsiest claim to the lands south of the Lakes.

"The Treaty of Utrecht declared the Iroquois, or Five Nations, to be British subjects; therefore it was insisted that all countries conquered by them belonged to the British Crown. But what was an Iroquois conquest? The Iroquois rarely occupied the countries they overran. Their military expeditions were mere raids, great or small. Sometimes, as in the case of the Hurons, they made a solitude and called it peace; again, as in the case of the Illinois, they drove off the occupants of the soil, who returned after the invaders were gone. But the range of their war-parties was prodigious, and the English laid claim to every mountain, forest, or prairie where an Iroquois had taken a scalp."<sup>2</sup>

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<sup>1</sup> Montcalm and Wolfe, i., 124, 125.

<sup>2</sup> Parkman: Montcalm and Wolfe, i., 125.

This point is noted with particularity because important political issues turned upon it at a later day.

But the discussion of "rights" was little better than boys' play then, as it is now. The contest was one of force, and the weight of the English sword decided the issue.

Two years after the first skirmishing in the backwoods of Pennsylvania, there broke out in Europe the Seven Years' War, which swept all the great powers into its vortex, which extended to every continent and reached every sea. In Macaulay's sweeping phrase, "Black men fought on the coast of Coromandel, and red men scalped each other by the Great Lakes of North America." It was the first and only European war that began on this side of the Ocean. Its close saw France discomfited and humiliated in both worlds. She had lost greater dominions than, perhaps, ever changed hands at the close of any other war in history. But there is no more glorious moment in the history of England. It was the time when every Englishman could feel, with just pride—

"That Chatham's language was his mother-tongue,  
And Wolfe's great heart compatriot with his own." <sup>1</sup>

On this continent, the long conflict culminated September 13, 1759, when the armies of Montcalm and Wolfe stood face to face on the Heights of Abraham. The next year saw the capitulation of Canada. When the time came to treat for a general peace in 1763, the King of France bowed to the fortunes of war in the manner following:

"His most Christian Majesty renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its parts, and guarantees the whole of it, and with all its dependencies, to the King of Great Britain; moreover, his most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all other islands and coasts in the Gulf and River St. Lawrence, and, in

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<sup>1</sup> Seeley: *The Expansion of England*, 22.

general, everything that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most Christian King, and the Crown of France, have had till now over the said countries, islands, lands, places, coasts, and their inhabitants, so that the most Christian King cedes and makes over the whole to the said king, and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guarantee, under any pretence, or to disturb Great Britain in the possessions above-mentioned.

“In order to re-establish peace on solid and durable foundations, and to remove forever all subject of dispute with regard to the limits of the British and French territories on the continent of America, it is agreed that for the future the confines between the dominions of his Britannic Majesty and those of his most Christian Majesty in that part of the world shall be fixed irrevocably by a line drawn along the middle of the River Mississippi from its source to the River Iberville, and from thence by a line drawn along the middle of this river and the Lakes Maurepas and Pontchartrain to the sea; and for this purpose the most Christian King cedes in full right, and guarantees to his Britannic Majesty, the river and port of the Mobile, and everything which he possesses, or ought to possess, on the left side of the River Mississippi, except the town of New Orleans and the island on which it is situated, which shall remain to France, provided that the navigation of the River Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea; and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth.”<sup>1</sup>

These are some of the provisions of that treaty, which always caused Count De Vergennes to shudder whenever he

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<sup>1</sup> Chalmers: A Collection of Treaties, i., 471, 473.



thought of it, and that called out explosions of volcanic wrath from the first Napoleon.

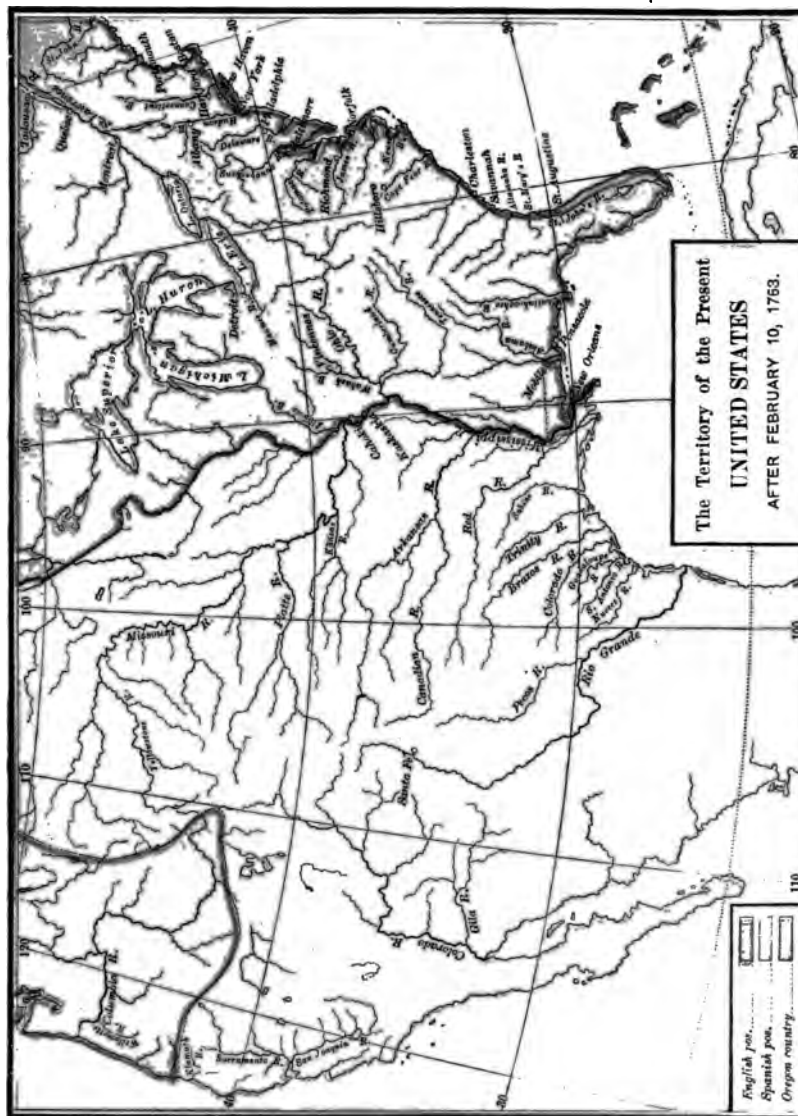
Other territorial changes deeply affecting the course of history were made at the close of the Seven Years' War. Spain had taken part in the contest as an ally of France. England had captured Havana, in the island of Cuba, the very key to the Gulf of Mexico. To regain that, Spain surrendered Florida to England, and then received as a compensation from France all of her possessions on the continent of North America that did not pass to England. The grand result of these changes was that England and Spain now divided North America, the Mississippi River being the only definite boundary between them.

We must not allow our admiration of what the French had done in the West to blind us to the fact that the British cause was the cause of the Northwest and of America. Put in the broadest way, the question was, whether French or English ideas and tendencies should have sway in North America. Montcalm and Wolfe were both gallant soldiers and able commanders; both true patriots and chivalrous gentlemen; but they stood on the Heights of Abraham that September day for very different things: Montcalm for the *old régime*, Wolfe for the House of Commons; Montcalm for the alliance of king and priest, Wolfe for *habeas corpus* and free inquiry; Montcalm for the past, Wolfe for the future; Montcalm for Louis XV. and Madame de Pompadour, Wolfe for George Washington and Abraham Lincoln. It was his clear perception of this point that led Mr. John Fiske to say: "The triumph of Wolfe marks the greatest turning-point as yet discoverable in modern history."<sup>1</sup>

That the war was a war of civilizations becomes perfectly clear when we consider the temper, culture, and aims of the two classes of colonists. The history of French America is far more picturesque and brilliant than the history of British America in the period 1608-1754. But the English were doing work far more solid, valuable, and permanent than

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<sup>1</sup> American Political Ideas, 56.





their northern neighbors. The French took to the lakes, rivers, and forests; they cultivated the Indians; their explorers were intent on discovery, their traders on furs, their missionaries on souls. The English did not either take to the woods or cultivate the Indians; they loved agriculture and trade, State and Church, and so clung to their fields, shops, politics, and churches. As a result, while Canada languished, thirteen English states grew up on the Atlantic Plain modelled on the Saxon pattern, and became populous, rich, and strong. At the beginning of the war there were eighty thousand white inhabitants in New France, one million one hundred and sixty thousand in the British colonies. The disparity of wealth was equally striking. In 1754 there was more real civilization—more seeds of things—in the town of Boston than in all New France. In time, these compact and vigorous British colonies offered effective resistance to Great Britain. It is plain that, had they spread themselves out over half a continent, hunted beaver, and trafficked with the Indians, after the manner of the French, Independence would have been postponed many years, and possibly forever. We owe a vast debt to the inherited character of those Englishmen who came to America in the first half of the seventeenth century, and no small debt to the Appalachian mountain-wall that confined them to the narrow Atlantic slope until, by reason of compression and growth, they were gotten ready, first to enter the West in force, and then to extort their independence from England.

But the French and Indian War borrows its great significance from another struggle. It was but the prelude to a grander contest. "With the triumph of Wolfe on the Heights of Abraham," writes Mr. Green, "began the history of the United States."<sup>1</sup> James Wolfe's Highlanders and grenadiers at Quebec, and not the embattled farmers at Lexington, won the first victory of the American Revolution.

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<sup>1</sup> History of the English People, iv., 193, 194.

## VI.

### THE THIRTEEN COLONIES AS CONSTITUTED BY THE ROYAL CHARTERS.—(I.)

To encourage American plantations, the British Crown granted from time to time those charters that constitute the first chapter of American Jurisprudence. In bounding the grants of land that those charters conveyed, the Crown was governed neither by a knowledge of American geography nor by a legal principle. The most imaginative man alive could not bound his estates in Spain with greater disregard of Spanish geography and Spanish law. The grants overlapped and conflicted with one another in a way that was then most troublesome to colonists and proprietors, and that is now most exasperating to students of history. Five causes will explain these confictions: (1) Gross ignorance of American geography; (2) the great size of the early grants; (3) the surrender or vacation of charters; (4) the influence of favorites praying for grants to themselves or their friends; (5) the royal prerogative. I shall transcribe the boundary descriptions found in the principal charters, and show how the Thirteen Colonies took shape under them.<sup>1</sup>

The charter given to Sir Walter Raleigh in 1584 granted

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<sup>1</sup> The texts found in Poore's Charters and Constitutions of the United States will be followed. In preparing this chapter and the next one the author has received great assistance from "Bulletin of the United States Geological Survey, No. 13: Boundaries of the United States and of the Several States and Territories, with an Historical Sketch of the Territorial Changes," by Henry Gannett, Chief Geographer.

to that "trusty and well-beloved servant" of Queen Elizabeth, his heirs and assigns forever—

"free libertie and licence from time to time, and at all times for-euer hereafter, to discouer, search, finde out, and view such remote heathen and barbarous lands, counteries, and territories, not actually possessed of any Christian Prince nor inhabited by Christian People, as to him, his heires and assigns, and to euey or any of them, shall seeme good, and the same to haue, holde, occupie, and enjoy to him, his heires and assigns, foreuer, with all prerogatiues, commodities, jurisdictions, royalties, priuileges, franchises, and preheminences, thereto or thereabouts both by sea and land, whatsoeuer we by our letters patents may graunt, and as we or any of our noble progenitors haue heretofore graunted to any person or persons, bodies politique or corporate."

The charter further forbade any person or persons whatsoever inhabiting or attempting to inhabit the same countries coming within two hundred leagues of the place or places where Raleigh, his heirs and assigns, or his or their associates in any company, should, within six years ensuing, make their dwellings or abidings, without his or their consent; and it authorized and instructed him or them to encounter and expulse, to repel and resist, as well by sea as by land, all who should attempt to do so. Raleigh's unsuccessful attempts to plant under this charter are among the chivalrous and pathetic stories of early American adventure.

While it was well understood that Raleigh was to plant in the queen's American possessions, the name America does not occur in the document. He was not to go into lands actually possessed by any Christian prince nor inhabited by Christian people, but that was the only limitation. It is plain that her dominions on this continent lay before Elizabeth's eyes an undifferentiated mass without assigned metes and bounds, and that other grants or colonies were not then contemplated. As those dominions then had no distinctive

name, Raleigh proposed Virginia, and Elizabeth, who was fond of being called "the Virgin Queen," approved the suggestion.

In 1606 James I. "vouchsafed" to Sir Thomas Gates, Sir George Somers, and divers others of his loving subjects who had been suitors unto him—

"Licence to make Habitation, Plantation, and to deduce a colony of sundry of our People into that part of *America* commonly called Virginia, and other parts and Territories in *America*, either appertaining unto us, or which are not now actually possessed by any *Christian* Prince or People, situate, lying, and being all along the Sea-Coasts between four-and-thirty degrees of Northerly latitude from the Equinoctial Line and five-and-forty Degrees of the same Latitude, and in the main Land between the same four-and-thirty and five-and-forty Degrees, and the Islands thereunto adjacent, or within one hundred Miles of the Coast thereof."

The charter then provided for two companies, the first called the London Company and the second the Plymouth Company. The London Company should make their first plantation at any place upon the said coast of Virginia or America where they should think fit and convenient, between the said four-and-thirty and one-and-forty degrees of the said latitude, and the Plymouth Company should begin their plantation at any place on the said coast of Virginia and America where they should think fit and convenient, between eight-and-thirty degrees and five-and-forty degrees of the same latitude. Each colony should have all lands, soils, etc., from its first seat of plantation, by the space of fifty English statute miles, all along the coast toward the west and southwest as the coast lies; also all the lands, etc., along the coast to the north, northeast, or east for the space of fifty miles; all the islands within one hundred miles directly over and against the sea-coast, and also all the lands from the same

fifty miles every way on the sea-coast, directly into the mainland one hundred miles. The charter further provided that no other of the king's subjects should be permitted to plant or inhabit behind them toward the mainland without the express license or consent of the council of the colony affected or interested first obtained in writing. It will be seen that the two zones within which the two companies might plant their colonies overlapped three degrees of latitude. Collisions were, however, guarded against by a provision that neither company should make a settlement within one hundred miles of one already made by the other.

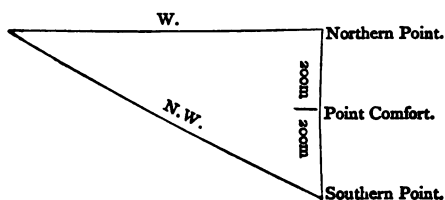
The charter of 1606 marks a decided step toward geographical precision and definiteness. The settlements are to be made on the coasts of Virginia and America, within parallels  $34^{\circ}$  and  $45^{\circ}$  north latitude, which lines, falling as far apart as the mouth of the Cape Fear River and the mouth of the St. Croix, comprehended the larger part of King James's American possessions. Two colonies were provided for. Evidently that process of evolution had begun which led to the northern and southern groups of colonies.

The settlement at Jamestown was made under this charter. But as it did not prove satisfactory, the king, in 1609, granted the London Company a second charter, in which he bounded the colony that henceforth monopolized the name Virginia as follows:

" . . . Situate, lying, and being in that Part of *America* called *Virginia*, from the Point of Land called *Cape or Point Comfort*, all along the Sea-Coast to the Northward two hundred miles, and from the said Point of *Cape Comfort* all along the Sea-Coast to the Southward two hundred Miles, and all that Space and Circuit of Land lying from the Sea-Coast of the Precinct aforesaid up into the Land throughout from Sea to Sea, West and Northwest, And also all the Islands lying within one hundred Miles along the Coast of both Seas of the Precinct aforesaid. . . . "

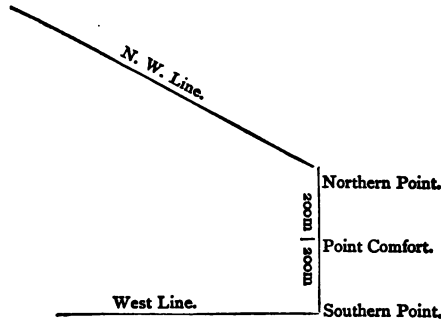


This was the first of the "from sea to sea" boundaries that play so important a part in history. The description "up into the land throughout from sea to sea, west and northwest," led to important results, the least of which is the interminable discussion of what it meant. It has been suggested that it meant a compound boundary line running from the Atlantic Ocean around to the Atlantic Ocean again; but the islands within one hundred miles along the coast of "both seas" are given to Virginia, and this fact is fatal to such a construction. Historians commonly assume that the northern and southern lines of the colony were intended to be due east and west lines, and much can be said in support of this view. The lines drawn by the charter of 1606 were east and west lines. The royal intent in 1606-09 and 1620 was two colonies; Virginia and New England were evidently to embrace all the king's possessions from latitude  $34^{\circ}$  north to the French territories. The ocean front now given to Virginia carries the colony to the fortieth degree. And, finally, the charter of 1620 bounded New England on the south by that parallel. But the king's language describes one west and one northwest line. If this view be assumed, the description is still open to two constructions that assign to Virginia very different limits. If the construction represented in the following diagram be taken, the colony would be a triangle of very moderate size.



But if the following be the true construction, the colony would be a vast trapezoid, six degrees of latitude in width on

the Atlantic Ocean, and from twenty to thirty degrees on the Pacific.



If the theory of one west and one northwest line be adopted, only the second of these constructions will fill the condition "from sea to sea." As this was the construction adopted by Virginia, and as it materially influenced Western history, I shall assume that such is the meaning of the language.

The Plymouth Company was overshadowed by its richer and stronger rival. Only one attempt at colonization was made by its authority under the charter of 1606, and that ended in failure. But a new charter was obtained in 1620, under which the company became more active. This was the second of the two charters into which that of 1606 was merged. It absolutely gave, granted, and confirmed unto the council established at Plymouth, in the County of Devon, England, for the planting, ruling, and governing of the northern parts of Virginia in America, a territory that is thus bounded :

"That aforesaid Part of America lying and being in Breadth from forty Degrees of Northerly Latitude from the Equinoctiall Line to forty-eight Degrees of the said Northerly Latitude inclusively, and in Length of, and within all the Breadth aforesaid, throughout all the Maine Lands from Sea to Sea . . . and also within the said Islands and Seas adjoining, Provided always,

that the said Islands, or any of the Premises hereinbefore mentioned, and by these Presents intended and meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor to be within the Bounds, Limitts, or Territories of that Southern Collony heretofore by us granted to be planted by divers of our loving Subjects in the South Part, etc."

The king also declared it to be his will and pleasure, to the end that the said territory should be more certainly known and distinguished, that the same should henceforth be called by the name of New England in America. This grant covered eight degrees of latitude. Fully one-half of the territory that it embraced on the coast was at the time claimed by the French; in fact, the whole of it was covered by the Acadia charter of 1603, and much of it remained in French hands until they retired from the continent in 1763.

Why James I. bounded the grants of 1609 and 1620 on the west by the South Sea, is a question asked early and often. The common answer is found in the mistaken ideas of American geography then current. "How natural the 'from sea to sea' lines," it is said, "to those who thought that at most they would be but a few hundred miles in length! How preposterous if the width of the continent had been known!" But it is not certain that this is the true explanation. England claimed not only the coast that the Cabots had discovered, but all the lands lying beyond that coast. Virtually she strove to incorporate into the public law of Europe a rule in conformity with this claim. She ultimately failed in both these efforts, owing to the resistance of France and Spain; but at the time when these charters were given she was upholding both stoutly, and was ready to do anything that would strengthen her position. To include the whole breadth of the continent within colonial boundary lines might give a faint color of occupancy to her claim; moreover, the charters of 1606, 1609, and 1620 all prove that, to the royal mind, as well as to the companies that proposed to plant,

great territorial limits were essential to colonies. Professor Alexander Johnston denies in toto "that the Crown made the Connecticut grant under ignorance, supposing that North America was far narrower than it proved to be." "The Plymouth Council, when it gave up its charter in 1635, notified the king," he says, "that this grant was through all the main-land from sea to sea, *being near about three thousand miles in length*;" and he adds that every geographer in England knew such to be the length of the Connecticut grant.<sup>1</sup> It is easy to make too much of the geographical information imparted to the royal mind by the Plymouth Council. No doubt some men in England had correct views on this point in 1662; but the Virginia and Maryland maps of 1651 and 1670, described in a former chapter, and similar contemporary facts, discredit the strong language used by Mr. Johnston. The fact is, the early erroneous views of North American geography gave place very slowly to correct views. The magnificent distances of the New World were not grasped by James I. and his contemporaries as realities; and there is no reason to suppose that the king or his counsellors really understood that the New England of 1620 embraced as many degrees of longitude as lie between the mouth of the Tagus and the mouth of the Euphrates.

Sandys and Southampton did not administer the London Company in a manner to please the mean and narrow mind of James I. The king caused legal proceedings against the company to be instituted, and in 1624 the Court of King's Bench, by a writ of *quo warranto*, vacated the charter. Thereafter, as long as Virginia continued a British colony, her governors held their commissions from the Crown. The question as to the effect of this *quo warranto* on the territorial limits of the colony has often been asked and never satisfactorily answered. The king had granted the northern half of his American claim, from sea to sea, to the Plymouth Com-

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<sup>1</sup> Connecticut, in Commonwealth Series, 281.

pany, and there is no reason to think that the writ was intended to affect the limits of the colony, or to derange the king's dual plan of colonization.

Passing the grant to Sir Robert Heath, which did not lead to permanent plantations, the first invasion of Virginia, as bounded in 1609, was on the north.

In 1632 Charles I. granted to Lord Baltimore the province that the king, in honor of his queen, Henrietta Maria, called Maryland. These are the boundaries :

"All that part of the Peninsula or Chersonese, lying in parts of America, between the ocean on the east and the Bay of Chesapeake on the west ; divided from the residue thereof by a right line drawn from the promontory or headland called Watkins's Point, situate upon the bay aforesaid, near the River Wighco on the west unto the main ocean on the east, and between that boundary on the south unto that part of the Bay of Delaware on the north, which lieth under the fortieth degree of north latitude from the equinoctial, where New England is terminated ; and all the tract of that land within the metes underwritten (that is to say), passing from the said bay, called Delaware Bay, in a right line, by the degree aforesaid, unto the true meridian of the first fountain of the River Potomac ; thence verging toward the south unto the farther bank of the said river, and following the same on the west and south unto a certain place called Cinquack, situate near the mouth of said river, where it disembogues into the aforesaid Bay of Chesapeake, and thence by the shortest line unto the aforesaid promontory or place called Watkins's Point, so that the whole tract of land divided by the line aforesaid, between the main ocean and Watkins Point unto the promontory called Cape Charles, may entirely remain forever excepted to us. . . ."

Virginia bitterly resisted this grant as an invasion of her jurisdiction, and she finally acknowledged Maryland as a sister colony, only because she had no alternative. Virginia's composure does not seem to have been ruffled by the grant to

Sir Robert Heath three years before; but the Virginia of 1632, like the Virginia of 1887, was comparatively isolated from the coast to the south, while the multitude of waters that mingle in the mouth of the great bay and flow out together through the Capes invited her to follow them to their northern and northwestern sources. Moreover, the Virginians called Maryland a "papist" settlement; and they coveted the commercial privileges that the Marylanders enjoyed and they did not. But Virginia finally gave up further resistance, and entered on a discussion of boundary lines. Successively there arose two main points of dispute with Maryland, only one of which need be noticed here.

In 1649 Charles II. granted to Lord Hopton the tract bounded by and within the heads of the Rappahannock and Potomac Rivers; in 1689 James II. confirmed this grant to Lord Culpepper, to whom it had passed by sale and purchase, and on Culpepper's death it descended to his son-in-law, Lord Fairfax. The grant was of the soil merely, and left the jurisdiction in Virginia, as before. Nothing in the whole history of royal patents and charters is more absurd and tyrannical than this grant, for at the time it was originally made Charles I. had just been executed, and Charles II. was a fugitive. But in time the question arose whether the southern or the northern branch of the Potomac was the proper boundary between Virginia and Maryland. The answer to that question depended upon the answer to another one, viz., whether the first fountain or westernmost source of the Potomac was on the one branch or the other, which was at the time unknown. It suited Lord Fairfax to claim the northern branch, since that would give the greater extent to the Hopton grant; but Maryland contended for the southern branch, on which the first fountain is really found. Virginia had an obvious motive for taking the same view of the matter as Fairfax. In 1736 a commission appointed by the Crown and Fairfax surveyed a line from the Rappahannock to the Potomac; in 1745 the king confirmed this line; and in 1746 a second commission

planted the "Fairfax stone" in conformity with the Virginia view. Maryland was not consulted in the matter; but the "Fairfax stone," although Virginia, in 1776, relinquished to the adjacent States all the territories covered by their charters that had once belonged to her, has remained the southern extreme of the boundary line between Virginia and Maryland, from the Potomac to Mason and Dixon's line.

The boundary descriptions of the three more southern States will be given without particular discussion.

In 1663 Charles II. thus bounded the grant to the Carolina proprietors:

. . . "All that territory or tract of ground situate, lying, and being within our dominions of America, extending from the north end of the island called Lucke Island, which lieth in the Southern Virginia seas, and within six-and-thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the River Saint Matthias, which bordereth upon the coast of Florida, and within one-and-thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid." . . .

Two years later this grant was enlarged as follows:

. . . "All that province, territory, or tract of land situate, lying or being in our dominions of America, aforesaid, extending north and eastward as far as the north end of Currituck river or inlet, upon a strait westerly line to Wyonoak Creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude, and so west in a direct line as far as the South Seas; and south and westward as far as the degree of twenty-nine, inclusive of northern latitude; and so west in a direct line as far as the south sea." . . .

The Carolina charter of 1665 gave to history a memorable line. The parallel of  $36^{\circ} 30'$  is the boundary of six States, but its historical consequence arises more from the fact that the compromise of 1820 made it the boundary between slavery

and freedom beyond the western boundary of Missouri. Out of the Carolina grant two colonies were eventually made. The Revised Statutes of North Carolina define the boundary between them as a line running northwest from Goat Island on the west, in latitude  $33^{\circ} 56'$ , to parallel  $35^{\circ}$ , and thence along that parallel to Tennessee.

An independent plantation in South Carolina had been mooted as early as 1717, and in 1732 James Oglethorpe renewed the proposition, and proposed to make the new colony a home and refuge for debtors in England who were unable to discharge their indebtedness, and for Protestants on the Continent who were persecuted for religion's sake. The plan pleased the king, and he granted to a corporation consisting of Oglethorpe and others a tract of country "in trust for the poor" that he thus bounded :

"All those lands, countries, and territories situate, lying, and being in that part of South Carolina, in America, which lies from the most northern part of a stream or river there, commonly called the Savannah, all along the sea-coast to the southward, unto the most southern stream of a certain other great water or river called the Altamaha, and westerly from the heads of the said rivers, respectively, in direct lines to the south seas."

The royal proclamation of 1763, which will be fully noticed in a future chapter, made some new territorial arrangements in the Gulf region. The lands lying between the rivers Altamaha and St. Marys were annexed to Georgia. The southern boundary of that province now became the St. Marys and a straight line drawn from the source of that river to the confluence of the Flint and Chattahoochee; and such has been its southern boundary until the present time. The grant made to the Georgia trustees in 1732 had bounded South Carolina on the southwest by the Savannah.

The charter of 1620 imparted some new life to the Plymouth Company, but it was never a vigorous corporation. However, both the company and the Crown at once began



to exploit the New England soil. No other part of the Atlantic coast is geographically so complex and intricate, and for this or some other reason its territorial history is more difficult than any other to trace out. The course of the company and king alike has been described as but a course of confusion. Minutely to follow their work would require the skill of a trained lawyer in addition to the learning of an accomplished geographer and historian. Nothing beyond the outlines will here be attempted.

In 1621 the Council for New England, by direction of James I., issued a patent to Sir William Alexander, Earl of Stirling, conveying to him the region bounded by the St. Lawrence, the Ocean, and the St. Croix, styled "the Lordship and Barony of New Scotland." This grant was confirmed to the Earl by a royal charter of September 10th, the same year. The Earl was still further favored, for by a patent dated April 22, 1635, the council, this time by the direction of Charles I., gave him a "tract of the main land of New England, beginning at St. Croix, and from thence extending along the sea-coast to Pemaquid and the River Kennebeck," together with Long Island and all the islands thereto adjacent.<sup>1</sup> In 1663 the heirs of the Earl sold this grant between the Kennebec and the St. Croix to the Earl of Clarendon, from whom it immediately passed to the Duke of York.

The Pilgrims landed at Plymouth late in the year 1620, without any authority whatever; but June 1, 1621, the Council for New England granted them a "roving patent," which assigned them no boundaries or settled place of habitation, but allowed one hundred acres of land to be taken up for every emigrant, with fifteen hundred acres for public buildings, and also empowered the grantees to make laws and to set up a government. This patent was issued in the name of John Pierce and certain other London merchants who had given the Pilgrims some financial assistance. In 1628 the council

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<sup>1</sup> Vindication, etc., of Alexander, Earl of Stirling, 34.

gave Plymouth a tract of land on the Kennebec River, and the year following it gave them a new patent, much more favorable than the one given in Pierce's name in 1621. The colony was now bounded west by a line drawn northerly from the mouth of Narragansett River, and on the north by a line drawn westerly from Cohasset Rivulet. The grant on the Kennebec made the previous year was included. The Plymouth people made repeated attempts to obtain a charter from the Crown, which alone could confer prerogatives of government, but these attempts were never successful.

In 1628 the Council at Plymouth made to Sir Henry Roswell and others his associates in the Massachusetts Bay Colony an important grant, which was confirmed by Charles I., with powers of government, March 4, 1629. These are the boundaries of Massachusetts as defined by the Crown :

. . . "All that Parte of Newe England in Amirica which lyes and extendes betweene a great River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there called Charles River, being in the Bottome of a certen Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay, and also all and singuler those Landes and Hereditaments whatsoever, lying within the Space of Three Englishe Myles on the South Parte of the said River called Charles River, or of any or every Parte thereof. And also all and singuler the Landes and Hereditaments whatsoever, lying and being within the space of Three Englishe Miles to the southward of the southermost Parte of the said Baye, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay: And also all those Landes and Hereditaments whatsoever, which lye and be within the space of Three English Myles to the Northward of the saide River, called Monomack, alias Merrymack, or to the Norward of any and every Parte thereof and all Landes and Hereditaments whatsoever, lying within the Lymitts aforesaide, North and South, in Latitude and Bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the Mayne Landes there from the Atlan-

tick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte.

. . . "Provided alwayes, That yf the said Landes . . . were [on November 3, 1620] actuallie possessed or inhabited by any other Christian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our saide late Father . . . then this present Graunt shall not extend to any such partes or parcells thereof."

The attempt to unify and harmonize the Northern New England patents and charters, real and pretended, is next door to a hopeless undertaking. I shall content myself with stating the facts material to the present purpose. On November 7, 1629, the Plymouth Council made to Captain John Mason, one of the principal adventurers in the company, a grant that, as reaffirmed in 1635, was thus bounded :

"All that part of the Mayn Land of New England aforesaid, beginning from the middle part of Naumkeck River, and from thence to proceed eastwards along the Sea Coast to Cape Anne, and round about the same to Pischataway Harbour, and soe forwards vp within the river Newgewanacke, and to the furthest head of the said River and from thence northwestwards till sixty miles bee finished, from the first entrance of Pischataway Harbor, and alsoe from Naumkecke through the River thereof vp into the land west sixty miles, from which period to cross over land to the sixty miles end, accompted from Pischataway, through Newgewanacke River to the land northwest aforesaid ; and alsoe all that the South Halfe of the Ysles of Sholes, all which lands, with the Consent of the Counsell, shall from henceforth be called New-hampshyre. And alsoe ten thousand acres more of land . . . on the southeast part of Sagadihoc, at the mouth or entrance thereof, from henceforth to bee called by the name of Massonia, etc." . . .

There were earlier grants within the present limits of New Hampshire, but this one may be considered the origin of that commonwealth. It never had a royal charter, but the com-

mission of 1680 to the governor had much the same effect. The feeble settlements within the limits of Mason's grant were annexed to Massachusetts in 1641; they became a royal colony in 1680; they became a second time a part of Massachusetts in 1690, but were again separated in 1692, from which time New Hampshire has had an independent existence.

In 1635 the Council at Plymouth renounced to the Crown their charter, first, however, dividing into eight shares, which they distributed among themselves, the territory of New England. It was ordered when this partition was made that all persons having lawful grants of land, or having made lawfully settled plantations, should enjoy the same on their surrendering their rights of jurisdiction (*jura regalia*) to the proprietor to whom the division fell. The grant of 1620 was from sea to sea, but this partition extended inland only sixty miles, save in one or two cases that reached twice that distance. It was intended to procure confirmations of these grants under the great seal, but this appears to have been done only in the case of Sir Ferdinando Gorges's portion, lying between the Piscataqua and Kennebec rivers, confirmed to him by royal charter in 1639. This was "the province or county of Maine." The grant led to serious disputes with holders under earlier grants. Massachusetts claimed the whole district because it lies south of a due east and west line drawn three miles north of the lake in which the Merrimac has its rise, and she finally bought the Gorges title for £1,250.

The Massachusetts charter of 1629 was cancelled by the High Court of Chancery in 1684. Four years later the Stuarts were expelled the throne, and were succeeded by William and Mary. The new sovereigns favored a policy of colonial consolidation. Accordingly, November 7, 1691, they granted to Massachusetts Bay a new charter which brought together under its jurisdiction all the colonies of Central and Northern New England, viz.: Plymouth, Massachusetts, Maine, including the grant between the St. Croix and the Kennebec made

to Earl Stirling, and Nova Scotia. Maine, henceforth consisting of the original grants to Alexander west of the St. Croix, to Gorges, and to Plymouth, remained a part of Massachusetts until admitted to the Union as a State in 1820. Plymouth remained permanently connected with the younger and stronger colony at the north, and thus brought Massachusetts down to the sea in the southeast.

When New Hampshire's dependence upon Massachusetts came to an end in 1692, the territorial strifes of the two colonies began. New Hampshire cut Massachusetts, as bounded on the east by the St. Croix, in two; so there were boundaries to be drawn on the east and on the south. Commissioners appointed by the two colonies failing to agree, these boundaries were referred, by the king's order, to commissioners appointed by the neighboring colonies. The report of this board, confirmed by the king in 1740, and acquiesced in by Massachusetts, drew the eastern line practically where it is to-day. On the south, the report was less favorable to Massachusetts. The charter of 1629 gave her all the lands lying within the space of three English miles to the northward of the River Merrimac and of every part thereof; the charter of 1635 made the southern boundary of New Hampshire on the coast, the Naumkeck River, at Salem. The charter of 1691 reaffirmed the boundary of 1629. Massachusetts insisted, therefore, that her proper northern boundary was a due east and west line running through a point three miles north of the inflow of Lake Winnipiseogee, which would have blotted New Hampshire from the map. New Hampshire contended that her southern boundary was a latitudinal line running through a point three miles north of the mouth of the Merrimac. The report that the king confirmed gave New Hampshire more than she asked for. It provided, "that the northern boundary of the province of Massachusetts be a similar curve line pursuing the course of the Merrimac River, at three miles distance, on the north side thereof, beginning at the Atlantic Ocean and ending at a point due north of Pautucket

Falls, and a straight line drawn from thence, due west, till it meets with His Majesty's other governments." Massachusetts refused to take part in surveying and marking this line, and it was done by New Hampshire alone in 1741 and 1742. It is the line of our map.

The three towns that constituted the original Connecticut were settled by emigration from Massachusetts in 1636 and 1637. It was then supposed that the ground on which Windsor, Hartford, and Weathersfield were planted belonged to that colony, and the three settlements remained for a year or two under its protection. The old story is that, afterward, the emigrants obtained a title or claim under a patent which proceeded from the Council of New England by the way of the Earl of Warwick to Lord Say and Sele and his associates; but the existence of the grant to Warwick, and so the sufficiency of the old patent of Connecticut, is denied.<sup>1</sup> The New Haven colony, planted in 1638, had no other title than the one obtained from the Indians by purchase. Both the settlers on the river and at New Haven had much trouble with the Dutch, who claimed all the coast from the Hudson to the Connecticut. It is, therefore, hard to see that either the Connecticut or the New Haven colonists had any title to the lands that they occupied, proceeding from the Crown, previous to the charter that constituted the Connecticut Company, granted by Charles II., April 23, 1662, which gave the colony the following limits:

"We . . . do give, grant and confirm unto the said Governor and Company, and their successors, all that part of our Dominions in *New England* in America bounded on the east by *Narraganset River*, commonly called *Narraganset Bay*, where the said River falleth into the Sea, and on the North by the Line of the *Massachusetts Plantation*; and on the South by the sea; and in Longitude as the Line of the *Massachusetts Col-*

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<sup>1</sup> Johnston: Connecticut, 8-10.

*ony, running from East to West, that is to say, from the said Narragansett Bay on the East, to the South sea on the West Part, with the Islands thereunto adjoining."*

This charter consolidated Connecticut and New Haven ; it cut into the grant made to Roger Williams and his associates in 1643 ; and it did not recognize the presence of the Dutch on the Hudson even to the extent of making the familiar reservation in favor of a Christian prince holding or Christian people inhabiting.

In 1636 Roger Williams began the Providence plantation on a tract of land that he held either by gift or purchase from the Indians. Settlements were made on Rhode Island in 1638 and 1639, and a beginning was also made on the western coast of Narragansett Bay in 1643. An attempt of Massachusetts to extend her jurisdiction over these settlements was resisted as a usurpation. In 1643 Williams obtained from the Parliamentary Commissioners, the Earl of Warwick, President, a charter of incorporation for the two plantations. In 1663 Charles II. granted a new charter, creating "the Governor and Company of the English Colony of Rhode Island and Providence Plantations in New England in America," that unified all the Bay colonies, and restored to Rhode Island her original limits, which had been invaded by the Connecticut charter of the year before ; an overlapping of grants that led to a long and bitter controversy. Boundary disputes between Massachusetts and the colonies on the south began in 1742, and they came to an end, if indeed the end be reached, only a few years ago. These disputes are among the most remarkable of their kind in our history. To follow them through the colonial and State legislatures, the commissions colonial and State, the appeals to the Court of England and to the Supreme Court of the United States, would be a task as tedious as lengthy. Of course the first thing to be done was to fix a latitudinal line that should fall three miles south of the most southern point of Charles River.

"The northern boundary of the colony was not fully settled for more than a century. When Connecticut was settled, the Massachusetts southern line was in the air; and in 1642 that colony sent two men, Woodward and Saffary, to run the line according to the charter. The surveyors are said to have been ignorant men; and Connecticut authorities call them, *lucus a non lucendo*, 'the mathematicians.' They began operations by finding what seemed to them a point 'three English miles, on the south part of the Charles River, or of any or every part thereof:' thence the southern Massachusetts line was to run west to the Pacific Ocean. The two mathematicians, however, either hesitating to undertake a foot journey to the Pacific, or doubting the sympathy of casual Indians with the advancement of science, and being sufficiently learned to know that two points are enough to determine the direction of a line, did not run the line directly west. Instead, they took ship, sailed around Cape Cod and up the Connecticut River, and found what they asserted to be a point in the same latitude as the first. In fact, they had got some eight miles too far to the south, thus giving their employers far too much territory; but they had fulfilled their principal duty, which was to show that Springfield was in Massachusetts. An *ex parte* survey, and of such a nature, could not, of course, be recognized by Connecticut. The oblong indentation in Connecticut's northern boundary is a remnant of the ignorance of Woodward and Saffary; for Massachusetts claimed a line running just north of Windsor, and Connecticut finally reclaimed all but this oblong. She made *ex parte* surveys of her own in 1695 and 1702, and then both colonies appealed to the Crown. This was evidently a dangerous tribunal for both, and in 1714 they agreed on a compromise line, much as it is at present."<sup>1</sup>

This line conforms in general to the parallel of  $42^{\circ} 2'$ ; it marks the southern limit of the Massachusetts claim and the northern limit of the Connecticut claim west of the Delaware. The disputes among the New England colonies

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<sup>1</sup> Johnston : Connecticut, 207, 208.



will not be further followed, except to quote Rufus Choate's celebrated description of a phase of one of them. "The commissioners might as well have decided that the line between the States was bounded on the north by a bramble-bush, on the south by a bluejay, on the west by a hive of bees in swarming time, and on the east by five hundred foxes with firebrands tied to their tails"<sup>1</sup>—a description that would apply to a good deal of other boundary work done in colonial times.

The cutting up of the territories assigned to the London and Plymouth Companies into two groups of colonies was materially modified by the intrusion, within the dates of the Jamestown and Plymouth settlements, of a foreign body that thus far has not been mentioned. In 1609 Henry Hudson, who, with a Dutch commission, was then searching for a western passage to Cathay, found his way into New York Bay, and into the noble river that bears his name. The Dutch sent ships to the Hudson every year for several years, one motive being discovery and another trade with the Indians. At that time, it will be remembered, the French claimed the coast from the St. Lawrence to the Delaware; moreover, the very year that Hudson ascended the river, Champlain ascended Lake Champlain almost to its source, when, fortunately, he turned back to Quebec. Then there was the Cabot title of the English, disregarding the claims of the Dutch and the French alike. The Dutch proceeded to fasten themselves firmly upon the mouth and valley of the river, which they called North River; and afterward less firmly upon the country east to Fresh River, as they called the Connecticut, and south to South River, as they called the Delaware. The whole country claimed by them they named New Netherlands. The English never acknowledged, but always denied, the validity of the Dutch title; and it is now plain that, in view of the Cabot title, the geographical relations of the Hudson to the regions east and south, and to the interior of the continent, and the later supe-

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<sup>1</sup> Johnston: Connecticut, 209.

riority of the English, the ultimate ejection of Holland, if not of the Dutch, and the incorporation of New Netherlands into the English system, was only a question of time. The Dutch were in possession only fifty years ; but in that time they materially influenced American history, as well territorial as political and social.

In some of the northern "from sea to sea" charters the King of England made the customary exemption of lands possessed by a Christian prince, or inhabited by Christian people ; but the fact that the presence of the Dutch was well known, and that they were regarded as intruders, would seem to show that the exemption did not apply to them, or at least was not meant to apply to them. Further, the Connecticut charter bounded that colony "on the south by the sea ;" that is, Long Island Sound.

We must also remember that the southern boundary of the New England of 1620 was parallel 40° north, a full degree south of the southernmost point of the New England of 1887. Save the futile Plowden Palatinate, neither the Council nor the Crown had attempted to assign this belt of territory to any grantee. This, no doubt, would have been done had not the Dutch been present in New Netherlands. We may be reasonably certain, at least, that, had it not been for the Dutch, the Hudson Valley would have become the seat of an English colony before the Connecticut lines were drawn in 1662. Perhaps Massachusetts and Connecticut would have protested against a colony at their backs, cutting them off from the west ; but the noble river, the picturesque valley, the interior trade, the broad and fertile lands of the Mohawk, would have been attractions too strong for their opposition. The floods of the Hudson would have swept away their "from sea to sea" lines, if they had ever been really carried across that river. But while New York geographically is no part of New England, but has a distinct character of its own, it might have been, historically, a part of New England, and it is fair to presume that such would

have been the case, had not the Dutch given another direction to history.

The long-sleeping English title to the Hudson was revived in 1664. On March 12th of that year, "divers good causes and considerations him, thereto moving," Charles II., "of his especial grace, certain knowledge, and mere motion," gave and granted to his dearest brother, James Duke of York, his heirs and assigns—

"All that part of the maine land of New England beginning at a certaine place called or knowne by the name of St. Croix next adjoyning to New Scotland in America and from thence extending along the sea coast unto a certain place called Petu-aquine or Pemaquid and so up the River thereof to the further head of ye same as it tendeth northwards and extending from thence to the River Kinebequi and so upwards by the shortest course to the River Canada northward and also all that Island or Islands commonly called by the severall name or names of Matowacks or Long Island scituate lying and being towards the west of Cape Codd and ye narrow Higansetts abutting upon the maine land between the two Rivers there called or knowne by the severall names of Conecticut and Hudsons River together also with the said river called Hudsons River and all the land from the west side of Conecticut to ye east side of Delaware Bay and also all those severall Islands called or knowne by the names of Martin's Vinyard and Nantukes otherwise Nantuckett together with all ye lands islands soyles rivers harbours mines minerals quarryes woods marshes waters lakes, etc."

The next year a fleet sent out by the Royal Duke took possession of New Netherlands. A few years later the Dutch recovered the province for a single year; but that article of the Treaty of Westminster, 1674, which required the surrender by both parties of all conquests made in the course of the preceding war, remaining in the hands of the conqueror, gave the English a secure title as against the Dutch. A second charter, dated 1674, confirmed the Duke in possession of the province, the boundary descriptions remaining much as be-

fore. The Duke gave the province the name by which it has since been known.

That part of Maine included in the Duke of York's charter, Long Island, and some smaller islands to the east, had been bought by him the year before of the heirs of Earl Stirling, to whom they had fallen on the dissolution of the Plymouth Company, in 1635. Pemaquid, as the Maine tract was called, was annexed to Massachusetts in 1686, and it was confirmed to that colony by the charter of 1691. Martha's Vineyard, Nantucket, and other islands in the neighborhood were also included within the same charter. Long Island, which Nature plainly intended to go with the country on the north side of the Sound, and the possession of which had been disputed by the Connecticut people and the Dutch, was henceforth attached to New York. At the date of the English conquest of New Netherlands, the English colonies east and southwest had become measurably adjusted to the Dutch; but now matters were thrown into greater confusion than ever, and a new series of adjustments became necessary. Before attempting a general account of these arrangements, we should take a closer look of some work that Charles II. did in the years 1662 to 1664.

In the first of those years, he bounded Connecticut on the east by Narragansett Bay, and on the west by the Pacific Ocean; thus jumping half the claim of Rhode Island, and wholly ignoring the Dutch on the Hudson. In the second year, he bounded Rhode Island on the west by the Pawcatuck, thus jumping the eastern part of the grant made the year before to Connecticut. In the third year, he not only gave the Hudson to his brother, but he made the eastern boundary of the Duke's province the Connecticut River, thus sanctioning the widest claim that the Dutch had ever made in that direction, and cutting away from one-third to one-half of the present limits of Massachusetts and Connecticut.

The establishment of the Dutch on the Hudson, if not the geography of the country, had probably convinced Mas-

sachusetts and Connecticut that their "from sea to sea" limits never would exist save on parchment. At all events, they never dreamed, now that the Hudson had passed into English hands, of resisting the royal will. New York must be recognized, as a matter of course, and the only thing now to do was to make the best terms as to boundaries that they could.

The issue with Connecticut raised by the Duke's grant was referred to the Royal Commissioners for the Colonies, who promptly fixed a line twenty miles east of the Hudson; but the second charter to York, 1674, reaffirmed the boundaries of 1664, and reopened the whole question. In 1683 Connecticut agreed with Governor Dongan, of New York, upon a line that, with some rectifications, is the basis of the present boundary between the two States. In 1725 and 1737 the line was run practically where it is to-day; but we have a curious example of how the boundary disputes of the seventeenth century project themselves forward in the fact that the line was resurveyed by New York in 1860, agreed upon by the two States in 1878 and 1879, and ratified by Congress in 1881. The western boundary of Connecticut happens to fall, at the sea shore, on the forty-first degree of north latitude; and that fact determines the latitude of a western line that we shall have occasion to consider hereafter.

In the case of Massachusetts, as in the case of Connecticut, New York claimed eastward to Connecticut River. The contest was so bitter that the two colonies never came to an agreement until 1773, and then the Revolution, coming on immediately after, prevented the running of the line until 1787. With a modification or two of no consequence for our purpose, the line of 1773-1787 stands to-day.

Whether Massachusetts and Connecticut, or either of them, considered at the time what the effect of the lines of 1733 and 1773 would be upon their claims in the interior, I have no means of knowing; but it is certain that the Governor of Connecticut, in 1720, had spoken of New York as cutting that colony "asunder," and that a few years later Connecticut men

were making their way into the wilderness west of the Delaware. When the two States were afterward told that by consenting to the lines east of the Hudson they had barred their own charter-rights to extend farther west, they replied that the Duke of York's grant was bounded on the west by the Delaware, that he had jumped them, therefore, only to that limit, and that their consenting to the fact in no sense barred them west of his boundary.

No part of the whole coast was more sought after, or was the scene of more experiments in colonization, than the Delaware country and the region east of it to the ocean. The Swedes, the Fins, the Dutch, and men from New Haven, all mingled in the opening scenes in that region; and it was in New Jersey that Sir Edmund Plowden sought to set up the palatinate of "New Albion." In 1655 the country passed into the hands of the Dutch, who, however, received it only as trustees for the nation whose navigators had discovered the continent. The Duke of York laid claim, when the time came, to the western side as well as the eastern side of the river, although it was not included in his grant, basing the claim on the Dutch capitulation. In 1664, two months before the expedition sent to the Hudson sailed, the Duke sold to Lord John Berkeley and Sir George Carteret a territory that he thus described :

"All that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhitas Island, and bounded on the east part by the main sea and part by Hudson's River, and hath upon the west Delaware Bay or river, and extendeth southward to the main ocean as far as Cape May, at the mouth of Delaware Bay, and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson's River in forty-one degrees of latitude ; which said tract of land is hereafter to be called by the name or names of New Ceaserea or New Jersey."

New Jersey had a changeful history until 1702, when the proprietors surrendered the province to the Crown. Royal Commissioners fixed the boundary line between the colony and New York substantially where it is to-day, in 1769.

In the Massachusetts, New Hampshire, and New York grants, we find the key to another memorable territorial contest. The Massachusetts of 1629 included all lands lying within the space of three English miles to the northward of any and every part of Merrimac River. The New Hampshire of 1635 reached on the south to the Naumkeck, and on the west sixty miles inland. The commissioners of 1740, to whom the dispute between the two colonies was referred, laid down a line three miles north of the Merrimac, following its course to a point north of Pawtucket Falls, and then proceeding due west "till it meets with His Majesty's other governments." Under this decision New Hampshire claimed that she extended as far west as Massachusetts, but Massachusetts continued to assert her right to the country west of Connecticut River extending north to the possessions of France. New York said the region between Lake Champlain and Connecticut River belonged to her, under the grant of 1664, 1674. New Hampshire and Massachusetts claimed that New York was barred by the twenty-mile line drawn by the Royal Commissioners between Connecticut and New York in 1664; but New York denied that this line held north of Massachusetts, and in 1764 the King in Council decided the issue in her favor. Both before and after the decision of 1740 was rendered, Massachusetts and New Hampshire made grants of land in the disputed district. Settlers from all the New England colonies flowed into the territory, and especially from Connecticut. After the king's decision of 1764 New York strove to extend her jurisdiction over the "New Hampshire Grants," as the district came to be called. She repudiated the New England titles of land-holders, and sought to compel the settlers to purchase anew of her. This was the beginning of the long and bitter quarrel between the "Green Mountain Boys"

and the "Yorkers." The settlers made common cause against New York's selfish policy. Their determination to maintain their titles and to repel aggression ripened into a desire for independence. In 1777 a convention declared the Grants a separate and independent State, with the name of "New Connecticut." The next year a constitution was adopted and the name Vermont selected. It is hardly too much to say that Vermont was before Congress asking for admission to the circle of States for fifteen years. For much of that time the people hardly considered themselves a part of the United States at all ; they denied allegiance to all other States, and were not a State themselves. Through the Revolution they waged a separate war against Great Britain, and even entered into negotiations for a separate peace. Their condition is an anomaly in the history of our system. Not to touch on intermediate points, Vermont was finally admitted to the Union in 1791.



## VII.

### THE THIRTEEN COLONIES AS CONSTITUTED BY THE ROYAL CHARTERS.—(II.)

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WE come now to a charter that is the source of more boundary disputes than any other in our whole history. This is the charter given to William Penn, in 1681, by Charles II., in discharge of a debt that the king owed to Penn's father.

“ . . . all that Tract or Parte of Land in *America*, with all the Islands therein conteyned, as the same is bounded on the East by *Delaware* River, from twelve miles distance Northwards of *New Castle* Towne unto the three and fortieth degree of Northerne Latitude, if the said River doeth extende so farre Northwards ; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend ; and from the head of the said River the Easterne Bounds are to bee determined by a Meridian Line, to bee drawne from the head of the said River, unto the said three and fortieth Degree. The said Lands to extend westwards five degrees in longitude, to bee computed from the said Easterne Bounds ; and the said Lands to bee bounded on the North by the beginning of the three and fortieth degree of Northern Latitude, and on the South by a Circle drawne at twelve miles distance from *New Castle* Northward and Westward unto the beginning of the fortieth degree of Northern Latitude, and then by a streight Line Westward to the Limitt of Longitude above mentioned.”

Penn proceeded at once to extend his province and to perfect his title. He bought Delaware of the Duke of York, and also obtained from him the relinquishment of all his claim to the western shore of the river above the twelve-mile circle, which had been drawn to leave the town of New Castle and neighborhood in the Duke's hands. The Duke's deeds to Penn, which bear the date 1682, completed the limitation of his province of New York on the sea-coast.

The grant to Penn confused the old controversy between Virginia and Lord Baltimore as to their boundary, and led to fresh controversies. The question soon arose: "What do the descriptions 'the beginning of the fortieth,' and 'the beginning of the three and fortieth degree of northern latitude' mean?" If they meant the fortieth and forty-third parallels of north latitude, as most historians have held, Penn's province was the zone, three degrees of latitude in width, that leaves Philadelphia a little to the south and Syracuse a little to the north; but if those descriptions meant the belts lying between  $39^{\circ}$  and  $40^{\circ}$ , and  $42^{\circ}$  and  $43^{\circ}$ , as some authors have held, then Penn's southern and northern boundaries were  $39^{\circ}$  and  $42^{\circ}$  north. A glance at the map of Pennsylvania will show the reader how different the territorial dispositions would have been if either one of these constructions had been carried out. The first construction would avoid disputes on the south, unless with Virginia west of the mountains; on the north it would not conflict with New York, but would most seriously conflict with Connecticut and Massachusetts west of the Delaware. The second construction involved disputes with the two southern colonies concerning the degree 39-40 to the farthest limit of Pennsylvania, and it also overlapped Connecticut's claim to the degree 41-42. Perhaps we cannot certainly say what was the intention of the king, or Penn's first understanding; but the Quaker proprietary and his successors adopted substantially the second construction, and thus involved their province in the most bitter disputes.

The first quarrel was with Lord Baltimore. It has been well said that this "notable quarrel" "continued more than eighty years ; was the cause of endless trouble between individuals ; occupied the attention not only of the proprietors of the respective provinces, but of the Lords of Trade and Plantations, of the High Court of Chancery, and of the Privy Councils of at least three monarchs ; it greatly retarded the settlement and development of a beautiful and fertile country, and brought about numerous tumults, which sometimes ended in bloodshed."<sup>1</sup> The eastern boundary of Maryland was Delaware Bay and River, from the intersection of the line drawn across the peninsula from Watkins's Point to the main ocean, on the south, "into that part of the Bay of Delaware on the north which lieth under the fortieth degree of north latitude from the equinoctial where New England is terminated," on the north ; the northern boundary was "the fortieth parallel from the bay to the true meridian of the first fountain of the River Potomac." But Baltimore's charter described the country granted to him as "not yet cultivated," *hactenus inculta* ; and at once, on his taking possession in 1634, the question arose whether this was a mere description of the land, or a condition of the grant equivalent to the familiar "not actually possessed by any Christian prince nor inhabited by Christian people" of the seventeenth-century charters. Some Virginians were already within the limits marked out for Baltimore when the Ark and the Dove entered the St. Marys. Notably, Claiborne had set up his trading-post on Kent Island in 1632 ; and, not unnaturally, *hactenus inculta* was at once invoked in the Virginia interest. After much strife and some bloodshed, this controversy was finally settled in Baltimore's favor. In 1659, when Baltimore attempted to expel them from his limits, the Dutch said *hactenus inculta* applied to them as the first possessors of the country ; and historians of our day have invoked the phrase in the Dutch

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<sup>1</sup> Scaife : Pennsylvania Magazine of History, 1885, 241.

interest. Considering that the Kings of England never acknowledged the Dutch claims on the Delaware more than on the Hudson, it would not be necessary to notice this point but for one fact. Such title as the Dutch had, passed by conquest to the Duke of York, in 1664, who sold it to Penn ; and he did not fail to make the most of it in maintaining his cause against his Southern neighbor.

But the principal contention between Penn and Baltimore grew out of the inconsistent and conflicting boundaries that the Crown had given them. First, Baltimore's northeast corner should be "in the Bay of Delaware" as well as on the fortieth parallel, while the fortieth parallel crosses the Delaware many miles north of the head of the bay. We are forced to the conclusion that Charles I. intended to bound Baltimore on the north by the fortieth parallel, for we cannot suppose that he intended, in 1632, to leave either for Virginia or the Crown a narrow strip of territory south of the New England line ; but it was very unfortunate for Baltimore that the reference to the bay left open a door for Penn to enter with his equally impossible boundary, when the day came to deal with him. Penn's southern boundary was "a circle drawn at twelve miles distance from New Castle northward and westward unto the beginning of the fortieth degree of northern latitude, and thence by a straight line westward" to the limit of longitude fixed by the charter. There was a dispute whether this circle should be drawn "horizontally" or "superficially ;" but no matter which way it was drawn, it would not touch either the thirty-ninth or the fortieth degree of latitude.

Definite and precise as the boundaries of 1632 and 1681 apparently were, it is clear that they were drawn in ignorance of the geography of the Delaware region. Nor was this ignorance soon removed ; maps of the next century are extant on which the heads of both Delaware and Chesapeake Bays are laid down north of the fortieth parallel.<sup>1</sup> Moreover, the

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<sup>1</sup> Scaife : *Pennsylvania Magazine of History*, 1885, 248.

mistake consisted in carrying the parallel too far south, rather than in bringing the heads of the bays too far north ; at least both Penn and Baltimore were surprised to find, when they came to make surveys, that parallel falling so far north.

The proofs that the king intended to bound Penn on the south by the fortieth parallel are the fact that said parallel was the southern boundary of New England, established in 1620, and the Maryland charter. Baltimore stood stoutly for that construction of his charter, relying on the literal force of the language. Penn claimed to the thirty-ninth parallel, but he could hardly have expected at any time to maintain that line. His determination was to gain a frontage on both Delaware and Chesapeake Bay, and to push his southern boundary as far south as possible. Fortunately for Penn and unfortunately for Baltimore, Penn's line must touch the twelve-mile circle, as well as be "the beginning of the fortieth degree," while Baltimore's northern line must touch Delaware Bay as well as be the fortieth degree. It will be seen that each one of the descriptions contains a major and a minor point ; and also that the two major points supported Baltimore's, and the two minor points Penn's pretensions. Hence Penn urged that the particular and the definite should control the general and the indefinite. This was holding that the Delaware Bay and the twelve-mile-circle limitations should override those in regard to the fortieth degree. Penn had a further advantage in the fact that he had obtained his title to the three counties of Delaware, which were also within Baltimore's grant, by purchase from the Duke of York. First and last, Baltimore stood for his charter-line, while Penn was disposed to compromise, but not in such a way as to give the Delaware counties to his rival or to surrender Philadelphia.

After conferences, arguments, propositions, litigations in the courts and hearings before the Privy Council, the proprietors compromised the case in 1760. This compromise, which practically carried out an older one, as well as a decision by Lord Chancellor Hardwicke, was to this effect : (1) To run a

due east and west line across the peninsula through Cape Henlopen (but not the Henlopen of our maps); (2) to run a line from the middle of this Henlopen line tangent to the twelve-mile circle drawn horizontally; (3) to run a line from the point where the tangent touches the circle due north to the parallel of latitude fifteen miles south of the southern limit of Philadelphia; (4) to run the said parallel of latitude—the lands north and east of this series of lines to belong to Pennsylvania, the lands south and west to Maryland. The proprietors sent over two distinguished mathematicians, Jeremiah Mason and Charles Dixon, who established the various lines in the years 1763–67. The east and west line, which they ran and marked two hundred and forty-four miles west of the Delaware, is the Mason and Dixon's line of history, so long the boundary between the free and the slave States. Its precise latitude is  $39^{\circ} 43' 26.3''$  north. The Penns did not, therefore, gain the degree 39–40, but they did gain a zone one-fourth of a degree in width, south of the fortieth degree, to their western limit, because the decision of 1760 controlled that of 1779, made with Virginia. Had the heads of the two bays really extended north of the fortieth degree, we should no doubt have seen the Penns struggling to limit Baltimore by that line, rather than by a point in Delaware Bay, and to carry their grant north to latitude  $43^{\circ}$ . As it is, Pennsylvania is narrower by nearly three-fourths of a degree than the charter of 1681 contemplated. No doubt, however, the Penns considered the narrow strip gained at the south more valuable than the broad one lost at the north. With the Revolution, Delaware ceased to be a dependency of Pennsylvania, and became an independent state with the boundaries of 1760.

But the grant to Penn conflicted with the Virginia boundaries of 1609. No matter whether the beginning of the fortieth degree meant the thirty-ninth or the fortieth parallel, it would cut that northwest line running "throughout from sea to sea" which that province claimed as her northern boun-

dary. The issue was not raised as soon as the issues between Maryland and the other two States, for an obvious reason; but that great awakening to Western interests that followed the close of King George's war in 1748 brought it at once to the fore. Virginians and Pennsylvanians alike now began to find their way over the mountains, not furtively, as hunters, but openly, as traders and tillers of the soil, and their meeting in the valley of the Upper Ohio was alone sufficient to force the issue. Besides, building works of defence against the Indians and the French, that the renewed mutterings of war made necessary, hastened it. The controversy began formally in 1752, eight years before Penn and Baltimore reached their agreement and fifteen years before Mason and Dixon planted their two hundred and forty-fourth mile-post from the Delaware.

Mention has already been made of Governor Spotswood's famous ride over the Blue Ridge in 1716. The Virginians had been one hundred and ten years in reaching the Valley of Virginia, and even then the glowing reports that the governor's company made of its fertility and beauty did not lead to its immediate settlement. But in 1738 the General Assembly created Augusta County, bounding it on the east by the Blue Ridge and on the west and northwest by "the utmost limits of Virginia." Whether these limits were the Pacific Ocean or the Mississippi River, they included all Western Pennsylvania. Accordingly, when the Pennsylvanians began to settle west of the mountains they were within the limits of a Virginia county already organized. When Washington led the Virginia Blues into that region to dispute the progress of the French, he went not only to defend the territory of His Britannic Majesty, but also to defend the territory of the Old Dominion. Moreover, the Pennsylvania Assembly declined Lieutenant-Governor Dinwiddie's proposal to assist in fortifying the Forks of the Ohio, on grounds that gave Lord Dunmore some advantage in the correspondence with Governor Penn, soon to be mentioned. To stimulate volun-

teering in 1754, Governor Dinwiddie issued a proclamation offering 200,000 acres of land in bounties, 100,000 near the Forks of the Ohio, to be called the "garrison lands," and the remainder down the river, and this was in part the stimulus that brought into the field the force that Washington commanded that year. While the Pennsylvanians were too apathetic to assist the Virginia governor in building the proposed fortifications, they would not brook this invasion of their rights. Governor Hamilton expostulated, and Dinwiddie defended himself on the ground that the issue was doubtful and the case urgent. The grant was approved by the king, 1763, but it was not until the very eve of the Revolution that the patents were issued to the claimants.<sup>1</sup>

Braddock's defeat gave the French commander on the Ohio the opportunity that he so well improved, and also so well described, of "ruining the three adjacent provinces, Pennsylvania, Maryland, and Virginia, driving off the inhabitants, and totally destroying the settlements from a tract of country thirty leagues wide reckoning from the line of Fort Cumberland;"<sup>2</sup> and of course adjourned the boundary-war until the war of arms should cease. With the fall of Fort Duquesne into the hands of the English in 1758, settlers began again to find their way to the valleys of the streams flowing to the Mississippi. For some years Virginia allowed her claim to the part of Pennsylvania west of the mountains to sleep; she did not even remonstrate when Mason and Dixon carried their line west of the meridian of the "Fairfax stone;" but Virginians, as well as Pennsylvanians, continued to make their way into the disputed region. In 1769 the lands about Pittsburg

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<sup>1</sup> In some cases, at least, patents for land in Pennsylvania issued by the Governor of Virginia were affirmed by Pennsylvania courts. Thus, in 1775, Lord Dunmore gave Washington a patent for 2,813 acres, described as being in Augusta County, Virginia, on the waters of Miller's run, etc., that are within Washington County, Pennsylvania. The lands were occupied by squatters, who denied the validity of the title, but the Pennsylvania court sustained the patent and ejected the intruders in 1784. Butterfield: Washington and Crawford Letters, 73.

<sup>2</sup> Parkman: Montcalm and Wolfe, I, 329.



were surveyed for the Pennsylvania proprietors, and settlements under the government of this province now became more rapid. Bedford County, embracing all Western Pennsylvania as claimed by the Penns, was organized in 1771, and Westmoreland County, embracing the part of Bedford west of Laurel Hill, in 1773. This region was also included in Augusta County, Virginia, as already related. The result was, that some of the inhabitants sided with one State, some with the other, and some with neither. As early as 1771 the more turbulent entered into an agreement, which they proclaimed openly, to keep off all officers of the law whatever, under a penalty of £50, to be forfeited by the party who should refuse to keep the contract.<sup>1</sup> Arthur St. Clair, of whom we shall soon hear more on a greater theatre of action, made his home in the disputed district in 1770, where he became first a surveyor, and then a magistrate, with a Pennsylvania commission. In January, 1774, Dr. John Connolly, who figures in the history of those times as a land-jobber and political tool of Lord Dunmore, the Governor of Virginia, appeared at the Forks of the Ohio with a commission from his Lordship, with the high-sounding title of "Captain-Commandant of the Militia of Pittsburg and its dependencies." Connolly seized Fort Pitt, dismantled two years before, named it Fort Dunmore, and issued a proclamation declaring that the Governor of Virginia was about to take steps to redress the grievances of the people of the region, and calling them to meet as a militia the twenty-fifth of that month. St. Clair caused him to be arrested for the act, but he was soon released on his own recognizance. Afterward Pennsylvania magistrates were arrested and hurried off to Staunton in the Virginia Valley.

The arrest of Connolly led to a correspondence between Governors Penn and Dunmore, to only one feature of which attention will be paid. Penn stated that, according to the Pennsylvania calculations, Fort Pitt was "near six miles east-

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<sup>1</sup> St. Clair Papers, I, 258.

ward of the Western extent of the province." Dunmore rejected this view, and asserted the Virginia claim. He also said that the Pennsylvania Assembly, at the time when Dinwiddie was proposing to fortify the Upper Ohio, had admitted that Pittsburg was not within the limits of that government; but Penn replied denying that the assembly had made such an admission, and affirming that the act would not conclude anything if the assembly had done so.

In May, Messrs. Tilghman and Allen, appointed commissioners on the part of Pennsylvania, visited Williamsburg to arrange matters, if possible. Propositions were made on both sides, and all were rejected.

Meantime the strife went on. St. Clair wrote, in 1774: "As much the greatest part of the inhabitants near the line have removed from Virginia, they are inexpressibly fond of everything that comes from that quarter, and their minds are never suffered to be at rest."<sup>1</sup> He also describes the panic as so great that it threatened to depopulate the country. He charged Dunmore with desiring to bring on an Indian war, which charge proved to be true. His Lordship was more than suspected of having an interest in lands over which he proposed to extend the jurisdiction of Virginia. Governor Penn told the Westmoreland magistrates that, as he could not raise a militia like the Governor of Virginia, it was vain to contend with the Virginians "in the way of force," and warned them not to enter into such contests with Dunmore's officers, or even to proceed against them by way of criminal prosecution for exercising the powers of government. Dunmore himself visited Pittsburg; and in 1775 the Augusta County Court sat for two terms at Pittsburg, at which terms Pennsylvanians were arraigned for defying Virginia authority. Finally, the Pennsylvanians carried Connolly off to Philadelphia, and then the Virginians retaliated by sending some Pennsylvanians to Wheeling as hostages.

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<sup>1</sup> St. Clair Papers, I, 284.

It is but fair to say that this unhappy controversy was forced by Lord Dunmore rather than by Virginia. He continued to carry things with a strong hand, despite the steady resistance of the Pennsylvania authorities, down to the Indian war that takes its name from him, which was another part of his arbitrary Western policy, and even to the time that he went on board the man-of-war that saved him from the vengeance of the Virginians.

Perhaps there is no better illustration of the confused state of affairs in those Pennsylvania wilds than the conduct of Colonel William Crawford, the mention of whose name always suggests the terrible tragedy that closed his life. Crawford was a Virginian by birth, and marched to Fort Duquesne with the Virginia troops in 1758. In 1765 he made his home on the Youghiogeny River, in the disputed district. He was Washington's Western land-agent for many years, and his letters to him and to St. Clair throw much light on the events in the midst of which he moved. He accepted a commission as a Pennsylvania magistrate in 1770, and sided with this State in the boundary-controversy until 1774; then, accepting a commission from Dunmore, he took an active part in the Indian war, calling out from St. Clair the remark: "I don't know how gentlemen account for these things to themselves;" and afterward he became a Virginia magistrate for the County of Augusta.

At the opening of the Revolution the dispute between the two States threatened danger to the patriot cause. The subject did not come before Congress as a body, but, July 25, 1775, the members of Congress united in the following recommendation to the people living in the disputed territory: "We recommend it to you that all bodies of armed men, kept up by either party, be dismissed; and that all those on either side who are in confinement, or on bail, for taking part in the contest, be discharged."<sup>1</sup> And this was the end of active strife.

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<sup>1</sup> St. Clair Papers, I., 361.

In 1779 commissioners appointed by the two States met at Baltimore to agree upon the common boundaries of Pennsylvania and Virginia. In the ensuing correspondence the Pennsylvania commissioners had much to say of "the beginning of the fortieth degree," the Virginia commissioners much of the twelve-mile circle. On both sides there was an evident desire to end the dispute. Various lines were proposed and rejected. On August 31 the commissioners signed this agreement: "To extend Mason and Dixon's line due west five degrees of longitude, to be computed from the River Delaware, for the southern boundary of Pennsylvania, and that a meridian line drawn from the western extremity thereof to the northern limit of the said State be the western boundary of Pennsylvania forever."<sup>1</sup> This contract was duly ratified by the legislatures of the two States. In 1785 Mason and Dixon's line was extended, and the southwestern corner of Pennsylvania established. The "Pan-handle" is what was left of Virginia east of the Ohio River and north of Mason and Dixon's line, after the boundary was run from this point to Lake Erie in 1786.<sup>2</sup>

Ere this Virginia had acknowledged, in her constitution of 1776, the validity of the grants made at her expense so far as the shore States are concerned :

"The territories, contained within the charters, erecting the colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, and forever confirmed to the people of these Colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Pato-

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<sup>1</sup> The correspondence is found in X. Hening's *Statutes of Virginia*.

<sup>2</sup> "When the State of Ohio was formed, in 1802, the Pan-handle first showed its beautiful proportions on the map of the United States. It received its name in legislative debate from Hon. John McMillan, delegate from Brooke County, to match the Accomac projection, which he dubbed the Spoon-handle."—Cregg. *Hist. Wash. Co., Pa.*, quoted by Butterfield. *Crawford's Expedition*, 14, note.

maque and Pokomoke, with the property of the Virginia shores and strands, bordering on either of the said rivers, and all improvements, which have been, or shall be made thereon."

The most serious of all the disputes that originated in the grant to William Penn was that with Connecticut; a dispute that, in the words of a Pennsylvania writer, "was over the political jurisdiction and right of soil in a tract of country containing more than 5,000,000 acres of lands;" that "involved the lives of hundreds, was the ruin of thousands, and cost the State millions;" that "wore out one entire generation;" that "evoked strong partisanship," was "urged, on both sides, by the highest skill of statesmen and lawyers," and was "righteously settled in the end."<sup>1</sup>

The grant made to Penn, carried to latitude 43° north, jumped half a dozen New England charters; carried to 42° north, it jumped all those in which Connecticut was interested, and notably the one given by Charles II. to the Governor and Company of Connecticut in 1662. West of the Delaware, south of the forty-second parallel, north of the forty-first, and east of the western limit of Pennsylvania, was the tract of 5,000,000 acres that the two colonies claimed; a tract full of coal, iron, and oil, and of great fertility. Apparently the earliest intimation that anybody in Connecticut was thinking of these Western lands is found in a letter written to the Lords of Trade in 1720, by Governor Saltonstall: "On the west the province of New York have carried their claim and government through this colony from north to south, and *cut us asunder* twenty miles east of the Hudson."

New Haven had taken an early interest in the Delaware region. At one time there was a considerable probability that the major part of the town would go there in a body; and Mr.

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<sup>1</sup> Hoyt: Brief of a Title in the Seventeen Townships in the County of Luzerne, 5.

Levermore says that after 1666 the New Haven of Davenport and Eaton must be sought upon the banks of the Passaic.<sup>1</sup>

Following the Peace of Aix-la-Chapelle there was a great outburst of interest in the West, and particularly in Virginia and Connecticut; the first finding her "West" in the Ohio Valley, and the second hers in the Susquehanna country. Connecticut was now well filled up with people, according to the ideas of those days, and a scheme to settle the colony's lands west of New York was thrown before the public in 1753. One hundred petitioners, many of them of high standing in the colony, asked the General Court for a grant of land. The Susquehanna Company was organized to promote the scheme; and in 1755 the General Court recommended it to the favor of the king.

The company sent its agents to Albany in 1754, when the Albany Congress was in session, where they purchased from certain Iroquois chiefs, for £2,000, a tract of land lying within the Connecticut parallels, one hundred and twenty miles in length, from ten miles east of the Susquehanna westward.

Another important thing was done at Albany in 1754. The Congress itself, by a unanimous vote, not even the Pennsylvania Commissioners objecting, adopted a series of resolutions declaring the validity of the Connecticut and Massachusetts claims west of the Delaware, and also of the western claims of Virginia. Besides, the "Plan of Union" recommended by the Congress provided a machinery for carrying on Western colonization; and Franklin, in his notes on the "plan," remarked that "the from 'sea to sea' colonies, having boundaries three thousand or four thousand miles in length to one or two hundred in breadth, must in time be reduced to domains more convenient for the common purposes of government."<sup>2</sup>

In 1755 the Susquehanna Company sent out surveyors to

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<sup>1</sup> The Republic of New Haven, 113-120.

<sup>2</sup> Sparks: Writings of Franklin, III., 32-55.

survey the lands on the Lackawaxen and in the Wyoming Valley. The colonization-fever rose so high that a second company, called the Delaware Company, was organized, and this also made a purchase of lands from the Indians. Notwithstanding the French and Indian war, a settlement was made on the Delaware in 1757, and another on the Susquehanna in 1762. In 1768 the elder company directed the survey of five townships in the heart of the Wyoming Valley, and in the same year Captain Zebulon Butler, with forty men, took possession of one of them, taking the precaution to build a fort as a protection against the Indians, and possibly the Pennsylvanians also.

Thus far the Penns had done nothing but object to the Susquehanna Company and its aims. Up to 1769 not a single Pennsylvania settler was anywhere in the neighborhood of the plantings that the Connecticut men had made. But now the proprietors began to bestir themselves. They improved the opportunity furnished by the Congress at Fort Stanwix, in 1768, to buy "of the Indians all that part of the province of Pennsylvania not heretofore purchased of the Indians," and this included the whole Connecticut claim. They also began to lease lands in the Connecticut district on the condition that the lessees should defend them against the Connecticut claimants; and the attempt of these lessees to oust the settlers already in possession, backed by the Pennsylvania authorities, brought on a skirmish of writs and arrests that soon led to the first "Pennamite and Yankee War," in which the lessees literally, and the settlers figuratively, spread out as their respective banners the Penn leases and the charter of 1662.

Connecticut men pressed into the territory in increasing numbers. The accomplished historian of Windham County says: "The fertility of the soil, the mildness of the climate, the beauty of the country, and the abundance of its resources far excelled expectations; and such glowing reports came back to the rocky farms of Windham County, that emigration raged for a time like an epidemic and seemed likely to sweep away

a great part of the population.”<sup>1</sup> Hitherto the Connecticut government had done nothing to promote the Susquehanna and Delaware schemes, but commended the first to the good graces of the king. Even in 1771 Governor Trumbull, on being interrogated by the authorities at Philadelphia, wrote that the persons engaged therein had no order or direction from him, or from the General Assembly for their proceedings, and that the Assembly, he was confident, would “never countenance any violent, much less hostile, measures in vindicating the rights which the Susquehanna Company supposed they had to lands in that part of the country within the limits of the charter of their colony.” As the State did not recognize them, and as they could not get on without government, the colonists proceeded to organize a government of their own after the purest democratic model. Townships, settlements, fortifications, taxes, civil and criminal legal processes, and a militia, were provided for. But the colony had taken too strong a hold of Connecticut for the government to disown it, even if the charter-claim to the country had been much weaker than it was. So the General Court resolved, in 1773, “That this Assembly, at this time, will assist, and in some proper way support their claim to those lands contained within the limits and boundaries of their charter which are westward of the province of New York.” Commissioners were sent to Philadelphia to arrange matters with the Penns, if possible, but they returned empty-handed. So the Assembly, in 1774, erected the territory from the Delaware to a line fifteen miles west of the Susquehanna, into the town of Westmoreland, attaching it to Litchfield County, Connecticut; and two years later it organized the same territory into the County of Westmoreland. The extemporized government of the settlers now gave place to the government set up by the mother colony. Thus the colonists and Connecticut carried things with a strong hand down to

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<sup>1</sup> Miss Larned : History of Windham County, IL, 49-51.



the Revolution, when the population numbered three thousand. How great the promise was for a new Connecticut in Northern Pennsylvania, a Connecticut writer shall tell.

“Connecticut laws and taxes were enforced regularly; Connecticut courts alone were in session; and the levies from the district formed the Twenty-fourth Connecticut Regiment in the Continental armies. The sordid, grasping, long-leasing policy of the Penns had never been able to stand a moment before the oncoming wave of Connecticut democracy, with its individual land ownership, its liberal local government, and the personal incentive offered to individuals by its town system. So far as the Penns were concerned, the Connecticut town system simply swept over them, and hardly thought of them as it went. But for the Revolution, the check occasioned by the massacre, and the appearance of a popular government in place of the Penns, nothing could have prevented the establishment of Connecticut’s authority over all the regions embraced in her Western claims.”<sup>1</sup>

But the Penns were not idle. In 1761 they obtained from Attorney-General Pratt, afterward Lord Camden, an opinion that firmly supported their cause. Connecticut, too, sought unto men learned in the law. She obtained from Lord Thurlow, Wedderburn, afterward Lord Loughborough, Chancellor Dunning, and Mr. Jackson the counsel that she wanted. The Penns determined at last to resort to that argument which their great ancestor had so much deprecated. In 1772 one Colonel Plunkett, under orders from the government, destroyed some Connecticut settlements on the west bank of the Susquehanna; and late in 1775, with a strong force, he attempted to drive the settlers out of the Wyoming Valley, but was repulsed. At this point the Continental Congress broke in upon the dispute, in the name of the common cause against the mother country, with a “whereas” that the quar-

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<sup>1</sup> Johnston : Connecticut, 278.

rel, if continued, would be productive of consequences very prejudicial to the common interest of the colonies, and with an urgent recommendation "that the contending parties immediately cease all hostilities, and avoid every appearance of force, until the dispute can be legally decided."<sup>1</sup> This remonstrance produced the desired effect.

The Westmorelanders stood as an outpost in the war against Great Britain, and in 1778, when nearly all the able-bodied men were absent in the army, two savages, Butler the Tory and Brandt the Indian, wrought at Wyoming a deed of blood that, wherever told during a hundred years, has never failed to move horror and pity. The men, women, and children who then fell at the hands of the enemy, or perished miserably in the wilderness from hunger, disease, or fatigue, were not Pennsylvanians. The Gertrudes of Wyoming were all Connecticut girls. The massacre materially strengthened Pennsylvania's case: a Westmoreland containing thousands of thriving people was one thing; a Westmoreland that was waste and desolate, quite another.

The parties had submitted the dispute to the King in Council, but the war rendered the appeal to that fountain of justice nugatory. Article IX. of the Confederation vested jurisdiction over such disputes between States in Congress. So, as the war was now drawing to a close, Pennsylvania called upon that arbiter to decide between the contestants. A Federal court was accordingly organized to try the issue; and this court, at Trenton, December 30, 1782, after a full hearing, rendered the following decision:

"We are unanimously of opinion that the State of Connecticut has no right to the lands in controversy.

"We are also unanimously of opinion that the jurisdiction and pre-emption of all the territory lying within the charter-boundary of Pennsylvania, and now claimed by the State of Connecticut, do of right belong to the State of Pennsylvania."<sup>2</sup>

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<sup>1</sup> Journals of Congress, I, 211.

<sup>2</sup> Ibid., IV., 140.

Ten or more years after the trial, it became known that the court agreed beforehand "that the reasons for the determination should never be given," and "that the minority should concede the determination as the unanimous opinion of the court." The first of the two rules suggests at once, what, indeed, has always been understood to be true, that the court did not consider the points of law involved at all, but that the case, as lawyers say, "went off on State reasons."

The Trenton decision, while final and conclusive as to the public corporate rights of Connecticut, in no way touched the land-owners, who, the war over, began to find their way back to their old homes. These were left to the justice or mercy of Pennsylvania; and it is to be feared that the treatment they received sometimes made them think more kindly of Butler and of Brandt. The Trenton judges all commended the unfortunate holders to the favorable consideration of the victor State, urging that they should be quieted in all their claims by an act of the Assembly, and that the right of soil, as derived from Connecticut, should be held sacred. There now ensued that generation of legislation and litigation, "Yankee claims," and "accommodation" and "intrusion" acts, of Ethan Allen and his Vermont methods, of plans to organize a new State and to force its recognition upon Pennsylvania and Congress, and reckless agitation which together make up the second "Pennamite and Yankee War." The "Accommodation Act," once repealed and then re-enacted, put an end to the strife.

Had the court of 1782 decided this issue the other way, Connecticut could not permanently have retained the country; a State of Westmoreland would have been the almost certain result. The conviction that one State within the present limits of Pennsylvania would be better than two was probably one of the State reasons that led the court to its conclusion. However, when the second "Pennamite and Yankee War" was in progress, and still more when it was over, Connecticut men flowed into the Northern belt of Pennsylvania, where

their presence is seen to-day in New England names, towns, and manners.

The decision of 1782 was wider than the case submitted, applying as it did to the whole Connecticut claim within the charter-limits of Pennsylvania ; but Connecticut made no objection on that score. Fortunately for her, Pennsylvania had a definite boundary on the west. Carrying her stake westward, she resolutely drove it into the ground five degrees west of the Delaware ; that is, she asserted her right to the strip of land lying between  $41^{\circ}$  and  $42^{\circ} 2'$  west of Pennsylvania to the Mississippi River, which, by the treaties of 1763 and 1783, had taken the place of the South Sea as the western boundary. In 1783 Governor Trumbull issued a proclamation forbidding all persons to settle on those lands without permission first obtained of the General Assembly.

The good grace with which Connecticut submitted to the Trenton decision has excited the surprise of historians, who have cast about for the cause. Governor Hoyt supposes "that Connecticut had prearranged the case with Pennsylvania and Congress, and that out of the arrangement she was to get the Western Reserve," and refers for proof to a congressional report on finance, made a month after the decision, which says : "Virginia and Connecticut have also made cessions, the acceptance of which, for particular reasons, have been delayed."<sup>1</sup> Mr. Johnston also supposes "that Connecticut had reasons apart from the justice of the decision," and he finds them in the relation of the Western lands to the question of American nationality.<sup>2</sup> The suggestion is ventured that if Connecticut was actuated by any reason other than deference to the authority of the Trenton tribunal, it was a desire to strengthen her position west of the Pennsylvania line. She would evidently be better able to deal with the new dispute if the old one was off her hands.

The Pennsylvania construction of the charter of 1681 was

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<sup>1</sup> Brief of Title, etc., 46, 47.

<sup>2</sup> Connecticut, 280, 281.

wholly satisfactory to New York, when the time came for her to look after the country west of the Delaware. That construction saved her a dispute, and, possibly, a large extent of her present territory as well.<sup>1</sup> Commissioners appointed by the two colonies fixed the northeastern boundary of Pennsylvania on an island in the Delaware in 1774; the line west of that point was surveyed in 1786-87, and ratified in 1789.

The northern boundary of Connecticut is  $42^{\circ} 2'$ , the southern boundary of New York  $42^{\circ}$ ; and the overlapping tract, called at the time "the Gore," led to a controversy between the two States. In 1795 Connecticut, for the consideration of \$40,000, quit-claimed to Ward and Halsey all her right and title to the said strip of land. Those to whom they sold the lands found settlers with New York titles already in possession. In 1796 suits were brought in the United States Circuit Court to eject the New York claimants. Before the cases were heard, Connecticut wholly renounced her right and title to land or jurisdiction west of the line of 1733, which threw the suitors out of court. This act of renunciation led to long and bitter murmuring on the part of those holding the Ward and Halsey titles, which was finally quieted, partly by time and partly by a compensation voted from the State treasury.

Massachusetts fared much better than Connecticut in maintaining her Western title. Her cession of 1785 to the nation will be treated in another place; but here it is important to remark that that cession did not touch her contest with New York for the lands within her charter-limits west of the Delaware and east of the north and south cession-line. That issue was compromised in 1786. Massachusetts surrendered to New York all her claim to the jurisdiction over said tract; and New York surrendered to Massachusetts all claim to the lands within the Massachusetts limits lying west of a line

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<sup>1</sup> Maps of the middle of the last century often bound Pennsylvania north by parallel  $43^{\circ}$ .

running from the eighty-second mile-post west of the northeast corner of Pennsylvania north to Sodus Bay in Lake Ontario. This tract, the southeast corner of which is a little southwest of Elmira, embraced several million acres of land, including the famous Genesee Valley.

In June, 1788, Congress instructed the Geographer to run the meridian by which New York and Massachusetts had limited themselves on the west, and to ascertain the quantity of land in the triangular tract lying west of said meridian and north of parallel  $42^{\circ}$  north. This tract was sold to the State of Pennsylvania the same year. The act of Congress authorizing the President to issue the letters patent bears date, January 3, 1792.

Mr. H. G. Stevens writes: "Dear fussy old Richard Hakluyt, the most learned geographer of his age, but with certain crude and warped notions of the South Sea 'down the back of Florida,' which became worked into many of King James's and King Charles's charters, and the many grants that grew out of them, was the unconscious parent of many geographical puzzles."<sup>1</sup> Puzzles there are in abundance, whether Hakluyt was the parent of them or not. The principal of these puzzles on the Atlantic slope we have sought to solve. In future chapters we shall consider the similar ones found in the Northwest.

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<sup>1</sup> Narrative and Critical History, V., 180.

## VIII.

### THE WESTERN LAND POLICY OF THE BRITISH GOVERNMENT FROM 1763 TO 1775.

THE ink with which the Treaty of Paris was written was hardly dry when Great Britain took a very important step in the line of a new land-policy. Just how much this step meant at the time is a matter of dispute, but the consequences flowing from it were such as to mark it a distinct new departure.

Previous to the war, England had virtually affirmed the principle that the discoverer and occupant of a coast was entitled to all the country back of it; she had carried her colonial boundaries through the continent from sea to sea; and, as against France, had maintained the original chartered limits of her colonies. Moreover, the grant to the Ohio Company in 1748 proves that she then had no thought of preventing over-mountain settlements, or of limiting the expansion of the colonies in that direction. But now that France had retired from the field vanquished, England began to see things in new relations. In fact, the situation was materially changed. She was left in undisputed possession of the eastern half of the Mississippi Valley. Canada and Florida were British dependencies, and governments must be provided for them. The Indians of the West were discontented and angry; and, strange to say, at the very moment that they lost the support of France, they formed, under Pontiac, a widespread combination against the British power. Then the strength and resource that the colonies had shown in the war had both pleased and disturbed the mother country;

pleased her because they contributed materially to the defeat of France, and disturbed her because they portended a still larger growth of that spirit of independence which had already become somewhat embarrassing. The eagerness with which the Virginians and Pennsylvanians were preparing to enter the Ohio Valley in the years 1748-1754 told England what might be expected now that the whole country lay open to the Mississippi. The home government undertook to meet the occasion with the royal proclamation of October 7, 1763.

After congratulating his subjects upon the great advantages that must accrue to their trade, manufactures, and navigation from the new acquisitions of territory, His Majesty proceeded to constitute four new governments, three of them on the continent and one in the West Indies. His new territories on the Gulf he divided into East Florida and West Florida, by the Appalachicola River; separating them from his possessions to the north by the thirty-first parallel from the Mississippi River to the Chattahoochee, by that stream to its confluence with the Flint, by a straight line drawn from this point to the source of the St. Marys, and then by the St. Marys to the Atlantic Ocean. The next year, in consequence of representations made to him that there were considerable settlements north of the thirty-first parallel which should be included in West Florida, he drew the northern boundary of that province through the mouth of the Yazoo. The territory lying between the Altamaha and St. Marys Rivers, so long the subject of dispute between Spain and England, as well as between South Carolina and Georgia, was given to Georgia. It was the proclamation of 1763 that first defined what afterward became the first southern boundary of the United States. As I shall have occasion to refer to them again, it will be well to give the boundaries of Quebec in the words of the royal proclamation.

“The Government of Quebec, bounded on the Labrador coast by the River St. John [Saguenay], and from thence to a



line drawn from the head of that river, through the Lake St. John, to the south end of the Lake Nipissim ; from whence the said line crossing the River St. Lawrence and the Lake Champlain, in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea ; and also along the north coast of the Baie des Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosieres, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John." <sup>1</sup>

The king gives directions for constituting the governments of the new provinces on the principle of representation. He also instructs the royal governors to grant lands to the officers and men who have served in the army and navy in the war, according to a prescribed schedule.

It will be seen that the country west of the mountains, from parallel 31° to the lakes, was not embraced within the new governments. But this was not due to a sensitive regard for the chartered rights of the old colonies, as the following paragraph defining the new departure shows :

"We do, therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor or commander-in-chief, in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any pretense whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions ; as also that no governor or commander-in-chief of our other colonies or plantations in America, do presume, for the present, and until our further pleasure be known, to grant warrants of survey or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest ; or upon any lands whatever, which not having been ceded or purchased by us," etc.

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<sup>1</sup> The Annual Register, 1763.

Just what was the meaning of this prohibition has been a matter of dispute from that day to this; the opinions of the disputants depending, often at least, upon the relation of those opinions to other matters of interest. Solicitude for the Indians, and anxiety for the peace and safety of the colonies, are the reasons alleged in the proclamation itself. The "whereas" introducing the proclamation says it is essential to the royal interest and the security of the colonies that the tribes of Indians living under the king's protection shall not be molested or disturbed in the possession of such parts of his dominions and territories as, not having been ceded to or purchased by him, are reserved to them as their hunting grounds; and a declaration follows the prohibition that it is his royal will and pleasure, for the present, to reserve under his sovereign protection and dominion, for the use of the said Indians, all the lands within the new governments, within the limits of the Hudson Bay Company and beyond the sources of the rivers falling into the sea from the west and north-west. The king strictly forbids his loving subjects making any purchases or settlements whatever, or taking possession of any of the lands described, without his special leave and license; and he further enjoins all persons who have seated themselves upon any of the lands so reserved to the Indians, forthwith to abandon them. If at any time the Indians are inclined to dispose of their lands, they shall be purchased only in the king's name, by the governor or commander-in-chief of the colony within which the lands lie. The proclamation winds up with some wholesome regulations respecting the Indian trade.

No doubt a desire to conciliate the Indians was one of the motives that led to the prohibition of 1763. But was it the only motive? Was it also the royal intention permanently to sever the lands beyond the sources of the rivers flowing into the Atlantic from the old colonies within whose charter-limits they lay? and, when the time should come, to cut them up into new and independent governments?

"The Annual Register" for 1763 says many reasons may be assigned for the prohibition. It states the necessity of quieting the Indians, and then presents the desirability of limiting the "from sea to sea" boundaries.

"Another reason, we suppose, why no disposition has been made of the inland country, was, that the charters of many of our old colonies give them, with very few exceptions, no other bounds to the westward but the South Sea ; and consequently these grants comprehended almost everything we have conquered. These charters were given when this continent was little known and little valued. They were then scarce acquainted with any other limits than the limits of America itself ; and they were prodigal of what they considered as of no great importance. The colonies settled under royal government have, generally, been laid out much in the same manner ; and though the difficulties which arise on this quarter are not so great as in the former, they are yet sufficiently embarrassing. Nothing can be more inconvenient, or can be attended with more absurd consequences, than to admit the execution of the powers in those grants and distributions of territory in all their extent. But where the western boundary of each colony ought to be settled, is a matter which must admit of great dispute, and can, to all appearance, only be finally adjusted by the interposition of Parliament."<sup>1</sup>

Obviously, Edmund Burke, or whoever wrote the "Register's" review for that year, thought the prohibition meant something more than simply to guard the rights of the Indians. Washington, on the other hand, wrote his Western land-agent, Colonel Crawford, in 1767 : "I can never look upon that proclamation in any other light (but this I say between ourselves) than a temporary expedient to quiet the minds of the Indians. It must fall, of course, in a few years, especially when those Indians consent to our occupying the

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<sup>1</sup> The Annual Register, 1763, 20, 21.

lands.”<sup>1</sup> The authors of the Report on the Territorial Limits of the United States, made to Congress, January 8, 1782, examined the proclamation very thoroughly, and came to the same conclusion that Washington had arrived at fifteen years before. They declare the king’s object to have been “to keep the Indians in peace, not to relinquish the rights accruing under the charters, and especially that of pre-emption.”<sup>2</sup> Dr. Franklin held the same view, as we shall soon see. Mr. Bancroft says the West “was shut against the emigrant from fear that colonies in so remote a region could not be held in dependence. England, by war, had conquered the West, and a ministry had come which dared not make use of the conquest.”<sup>3</sup> No matter what the proclamation meant, it was a great disappointment to the colonies. “Wherein are we better off, as respects the Western country,” they said in substance, “than we were before the war?”

No man of his time more thoroughly comprehended the Western question than Dr. Franklin. Notices of his principal writings on the subject will more clearly define that question, and throw much light on its shifting phases.

Reference has already been made to the Plan of Union adopted by the Albany Congress in 1754, and to Franklin’s exposition of the same. This “plan” placed the regulation of the Indian trade, the purchasing of Indian lands, and the planting of new colonies under the control of the Union. Franklin supported this part of the scheme with the obvious arguments. A single colony could not be expected to extend itself into the West; but the Union might establish a new colony or two, greatly to the security of the frontiers, to increase of population and trade, and to breaking the French connections between Canada and Louisiana.<sup>4</sup> The “from sea to sea” colonies must be suitably limited on the west.

Soon after the Albany Congress, Franklin wrote his

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<sup>1</sup> Butterfield : *Washington-Crawford Letters*, 3.

<sup>2</sup> *Secret Journals of Congress*, III., 154.

<sup>3</sup> *History*, III., 32.

<sup>4</sup> *Sparks : Writings of Franklin*, III., 32-55.

"Plan for Settling two Western Colonies in North America, with Reasons for the Plan." He says the country back of the Appalachian Mountains must become, perhaps in another century, a populous and powerful dominion, and a great accession of power to either England or France. If the English delay to settle that country, great inconveniences and mischiefs will arise. Confined to the region between the sea and the mountains, they cannot much more increase in numbers owing to lack of room and subsistence. The French will increase much more, and become a great people in the rear of the English. He therefore recommends that the English take immediate possession of the country, and proceed at once to plant two strong colonies, one on the Ohio and one on Lake Erie. The new colonies will soon be full of people; they will prevent the disasters sure to follow if the French are allowed to have their way in the West; the Ohio country will be a good base for operations against Canada and Louisiana in case of war; and the colonies will promote the increase of Englishmen, of English trade, and of English power. Franklin again assumes that the "from sea to sea" charters are still in force, and argues that they must be limited by the Western mountains. The tract closes with a plea for urgency.<sup>1</sup> War with the French had now begun, and new colonies were necessarily postponed until the sword should decide the destiny of the West; but Franklin still kept the subject in mind. In 1756 he wrote to Rev. George Whitfield:

"I sometimes wish that you and I were jointly employed by the Crown to settle a colony on the Ohio. I imagine that we could do it effectually, and without putting the nation to much expense; but I fear we shall never be called upon for such a service. What a glorious thing it would be to settle in that fine country a large, strong body of religious and industrious people! What a security to the other colonies and advantage to Britain, by increasing her people, territory, strength, and com-

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<sup>1</sup> Sparks: III, 69-77.

merce! Might it not greatly facilitate the introduction of pure religion among the heathen, if we could, by such a colony, show them a better sample of Christians than they commonly see in our Indian traders?—the most vicious and abandoned wretches of our nation.”<sup>1</sup>

Immediately after Wolfe’s victory in 1759, men on both sides of the ocean began to speculate upon the terms of the peace that they saw must soon come. It seemed inevitable that England would be able to dictate her own terms to her old enemy; and the question arose, what territorial indemnities and securities she should exact. More specifically, the question arose whether Canada should be retained or returned to France in exchange for Guadaloupe. Two or three pamphlets discussing this question appeared in London. To one of them, that advocated the surrender of Canada, published without a name, but sometimes ascribed to Edmund Burke, Franklin wrote a reply that he entitled “The Interest of Great Britain Considered with Regard to the Colonies and the Acquisition of Canada and Guadaloupe,” but that is commonly called “The Canada Pamphlet.” A rapid review of this vigorous production will throw much light upon the state of opinion touching the West both in America and in Europe.

Franklin holds, in opposition to his antagonist, that England might properly demand Canada as an indemnification, although she had not, in the outset, put forward such an acquisition as one of the objects of the war. He argues that the relations of England and France in America are such as to prevent a lasting peace, declaring that such a peace can come only when the whole country is subject to the English government. Disputes arising in America will be the occasion of European wars. Wars between the two powers originating in Europe will extend to America, and give oppor-

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<sup>1</sup> Bigelow : Works of Franklin, II., 467.

tunities for other powers to interfere. The boundaries between the English and French in North America cannot be so drawn as to prevent quarrels. The frontier must necessarily be more than fifteen hundred miles in length. Happy was it for both Holland and England that the Dutch, in 1674, ceded New Netherlands to the English; since that time peace between them has continued unbroken, which would have been impossible if the Dutch had continued to hold that province, separating, as it does, the eastern and middle British colonies.

Franklin next contends that erecting forts in the back settlements will not prove a sufficient security against the French and Indians, but that the retention of Canada implies every security. The possession of that province, and that alone, can give the English colonies in America peace.

He then devotes several pages to the proposition that the blood and treasure spent in the war were not spent in the cause of the colonies alone. This is in reply to the argument that the interests at stake in America were rather colonial than British or imperial. The retention of Canada will widen the landed opportunities of the colonists, and will tend to keep them agricultural and to prevent manufactures. Franklin then enunciates a proposition that would make Pennsylvania economists of to-day stare and gasp. "Manufactures are founded in poverty. It is the multitude of poor without land in a country, and who must work for others at low wages or starve, that enables undertakers to carry on a manufacture, and afford it cheap enough to prevent the importation of the same kind from abroad, and to bear the expense of its own exportation." He contends that the North American colonies are the western frontier of the British Empire; that they must be defended by the empire for that reason, and that Canada will be a conquest for the whole, the advantage of which will come in increase of trade and ease of taxes.

To the argument that the colonies are large and numerous enough, and that the French ought to be left in North

America to keep them in check, Franklin replies that, in time of peace, the colonists double by natural generation once in twenty-five years, and that they will probably continue to do so for a century to come; but that the colonies will not cease to be useful to the Mother Country for that reason. On this point he accumulates a variety of information relating to the industrial and commercial possibilities of the country east of the Mississippi River that is as interesting as curious. One hundred millions of people can subsist in the agricultural condition east of that river and south of the Lakes and the St. Lawrence. The facilities for inland navigation are dwelt upon with admiration. Franklin dwells at much length upon the improbability of the colonists taking up manufactures, and upon the vast quantities of British goods that they will be sure to buy and consume.

Having striven at such length to prove that the colonies will not be useless to the Mother Country, he takes up the proposition that they will not be dangerous to her. This is the most delicate subject handled in the whole pamphlet, and one that attracted attention before the war began. Kalm, the Swedish naturalist who visited the colonies in 1748, and who saw so much more than natural objects in the course of his travels, reports that in New York he found much doubt whether the King of England, if he had the power, would wish to drive the French out of Canada. Kalm thus expresses his own opinion: "As this whole country is toward the sea unguarded, and on the frontier is kept uneasy by the French, these dangerous neighbors are the reason why the love of these colonies for their metropolis does not utterly decline. The English Government has, therefore, reason to regard the French in North America as the chief power that urges their colonies to submission."<sup>1</sup> It is well known that Choiseul warned Stanley when the two ministers were discussing the treaty of 1763, that the English colonies in America "would

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<sup>1</sup> Bancroft: History, II, 310-311.



not fail to shake off their dependence the moment Canada should be ceded.”<sup>1</sup> This feeling was shared by many people in England, and it probably influenced those who said “Guadaloupe not Canada” quite as much as the superiority of the Guadaloupe sugar to the Canada furs. Such is a fair statement of the argument that Franklin sets himself to answer.

His reply is “that the colonies cannot be dangerous to England without union, and that union is impossible.” To prove that union is impossible, he sets forth the jealousies of the colonies and the failure of all attempts hitherto made to bring them to act together. There are now fourteen separate governments on the sea-coast, and there will probably be as many more behind them on the inland side. These have different governors, different laws, different forms of government, different interests, different religious persuasions, and different manners. “If they could not agree to unite for their defence against the French and Indians, who were perpetually harassing their settlements, burning their villages, and murdering their people, can it reasonably be supposed there is any danger of their uniting against their own nation, which protects and encourages them, with which they have so many connections and ties of blood, interest, and affection, and which, it is well known, they all love much more than they love one another?” And yet Franklin was careful to leave an open door through which he could have escaped the charge of inconsistency if such charge had been preferred a dozen years later. “When I say such a union is impossible, I mean without the most grievous tyranny and oppression.” “The waves do not rise,” he says, “but when the winds blow.” What such an administration as the Duke of Alva’s might bring about he does not know; but he has a right to deem that impossible. Under this head he answers the argument “that the remoteness of the Western territories will bring about their separation from the Mother Country.” “While our

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<sup>1</sup> Parkman : *Montcalm and Wolfe*, II., 403.

strength at sea continues, the banks of the Ohio, in point of easy and expeditious conveyance of troops, are nearer to London than the remote parts of France and Spain to their respective capitals, and much nearer than Connaught and Ulster were in the days of Queen Elizabeth." Of the two, the presence of the French in Canada will engender disaffection in the colonies rather than prevent it. The only check on their growth that the French can possibly be, is that of blood and carnage.

Franklin then argues that Canada can be easily peopled from the colonies without draining Great Britain of her inhabitants. Last of all comes the proposition that the value of Guadaloupe is much overestimated by those who prefer that island to Canada.

Many of the arguments contained in this famous pamphlet would now be set aside by an economist as fallacious; but, fallacious as they may be, they have that plain directness which, along with other qualities, rendered Franklin's political tracts so conclusive to the common mind. The pamphlet attracted great attention at the time, and "was believed," according to Dr. Sparks, "to have had great weight in the ministerial councils, and to have been mainly instrumental in causing Canada to be held at the peace."<sup>1</sup>

In 1765, Sir William Johnson, Governor Franklin, and other influential persons formed a project for establishing a new colony in the Illinois country. They applied to Dr. Franklin, then in London, acting as agent for Pennsylvania, for assistance, and he entered warmly into the enterprise, in which he also had an interest. For a time the application for a grant of lands was regarded with much favor, but was finally rejected. The Doctor's letters to his son, in the years 1766-1768, report the progress of the negotiation, and help us to understand English opinion touching Western settlements. He found the following objections urged against

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<sup>1</sup> Sparks : IV., 1-53.

the plan: (1) The distance would render such a colony of little use to England, as the expense of the carriage of goods would urge the people to manufacture for themselves; (2) the distance would also render it difficult to defend and govern the colony; (3) such a colony might, in time, become troublesome and prejudicial to the British Government; (4) there were no people to spare, either in England or the other colonies, to settle a new colony. Lord Hillsborough was terribly afraid of "dispeopling Ireland." To overturn these objections, Franklin brought forward the arguments with which we are now familiar. Some London merchants, who were called upon for testimony, gave the unanimous opinion that colonies in the Illinois country and at Detroit would enlarge British commerce. Franklin "reckoned" that there would be 63,000,000 acres of land in the proposed colony. He also reported an inclination on the part of ministers to abandon the Western posts as more expensive than useful, unless the colonies should see fit to keep them up at their own expense. Fort Pitt was actually abandoned soon after.

Here I must interrupt the narrative concerning Franklin, to state some other facts material to the purpose. In 1768 Stuart, the Southern Indian agent, following the proclamation of 1763, and the instructions of Lord Hillsborough, negotiated with the Cherokees, who had no claim whatever to lands on the south side of the Ohio, a treaty that was very obnoxious to Virginia, since it limited her on the west by the Kanawha River. A few days later Sir William Johnson, the Northern agent, negotiated with the Six Nations, who claimed the country to the Cumberland Mountains, a treaty that was much more to her liking. This treaty established the following boundary-line between the lands that the Nations claimed in the West and the lands of the whites on the East: The Ohio and Alleghany Rivers from the mouth of the Cherokee, as the Tennessee was then called, to Kittan-

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<sup>1</sup> Sparks : IV., 233-241.

ning, above Fort Pitt; thence by a direct line east to the west branch of the Susquehanna; thence through the mountains to the east branch, and on to the Delaware; and finally by the Delaware, the Tienaderher, and Canada Creek to Wood Creek, above Fort Stanwix. While this line left nearly one-half of the State of New York in the hands of the Six Nations, it gave to the colonies the whole southeastern half of the Ohio Valley to the Tennessee. This line itself shows that the Nations regarded their Western possessions but lightly. It should be observed, also, that the alienation of their claim still left the English to deal with the Indians actually on the Western soil. In the end, this boundary came very near giving Virginia a still closer limitation on the west than the one drawn by Stuart, as will soon appear. The opening up of the country south of the Ohio to settlement was followed by great land-speculations, and by quickened emigration to that region.

In 1769 the proposition to establish a Western colony was revived, but in a new form. Thomas Walpole, Samuel Wharton, Benjamin Franklin, Thomas Pownall, and others petitioned the king for the right to purchase 2,400,000 acres of land on the south side of the Ohio River, on which to found a new government. After the delays incident to such business, this petition was granted by the King in Council in 1772. Slow progress was made in perfecting the details; but the price of the land was finally fixed, the plan of government agreed upon, and the patent actually made ready for the seals, when the Revolution broke out, and dashed the new colony forever. Walpole, the leading promoter of the scheme, was an eminent London banker, and the company and grant were commonly called by his name. The company called itself the Grand Company, and proposed to name the colony Vandalia. Although the project finally failed, its history presents some exceedingly interesting features. It should be observed that the Ohio Company of 1748, which had been kept alive thus far, although thwarted in its original purposes by the war, was absorbed in this new scheme.

In May, 1770, the Privy Council referred the Walpole petition to the Lords Commissioners for Trade and Plantations; and two years later their Lordships made an elaborate report, drawn by their president, Lord Hillsborough. This report objected to the petition, that the tract of land prayed for lay partly within the dominion of Virginia south of the Ohio; that it extended several degrees of longitude westward from the mountains; and that a considerable part of it was beyond the line that had been drawn between His Majesty's territories and the hunting grounds of the Six Nations and the Cherokees. Besides, to grant the petition would be to abandon the principle adopted by the Board of Trade, and approved by His Majesty at the close of the war. "Confining the Western extent of settlements to such a distance from the sea-coast as that those settlements should lie within the reach of the trade and commerce of this Kingdom, upon which the strength and riches of it depend," and also within the exercise of that authority and jurisdiction which were conceived to be necessary for the preservation of the colonies in due subordination to, and dependence upon, the Mother Country—are declared the "two capital objects" of the proclamation of 1763. Lord Hillsborough, indeed, admits that the line agreed upon at Fort Stanwix in 1768 is, in the southwest, far beyond the sources of the rivers that flow into the Atlantic; but since this Stanwix line still further restricts the Indians' hunting grounds, he sees in this fact a new reason for adhering closely to the restrictive policy. His Lordship declares the proposition to form inland colonies in America "entirely new;" he says the great object of the North American colonies is to improve and extend the commerce, navigation, and manufactures of England; shore colonies he approves because they fulfil this condition, and inland colonies he condemns because they will not fulfil it. To the argument that settlers are flowing westward, and that Western settlements are inevitable, Lord Hillsborough replies that His Majesty should take every method to check the progress of such set-

tlements, and should not make grants of land that would have an immediate tendency to encourage them. The report closes with a recommendation that the Crown immediately issue a new proclamation forbidding all persons taking up or settling on lands west of the line of 1763.

It would be hard to say whether this report won for its author the wider fame by reason of its odious application of the doctrines of the colonial system to the question of Western settlements, or by reason of the crushing reply that it called out from Dr. Franklin. Before taking up that reply, however, the remark is pertinent that Lord Hillsborough's notion that royal proclamations were going to keep the adventurous people of Pennsylvania, Virginia, and the Carolinas out of the Western country, is one of a multitude of proofs of the incapacity of the British mind, at that time, to understand American questions. It was only less absurd than Dean Tucker's famous plan for guarding the frontier against the incursions of the Indians, viz., that the trees and bushes be cut away from a strip of land a mile in breadth along the back of the colonies from Maine to Georgia.<sup>1</sup>

Franklin begins his reply with correcting the noble Lord's ideas of American geography. The land asked for lies between the Alleghany Mountains and the Ohio River, which are separated, "on a medium," by not more than a degree and a half. The grant will not be an invasion of the dominion of Virginia, because that colony is bounded on the west by the mountains. The country west of the Alleghanies was in the possession of the Indians previous to the Stanwix treaty, and since that time the king has not given it to Virginia. To support the proposition that Virginia does not extend beyond the mountains, which is absolutely essential to his argument, he draws up a territorial history of the region within which the grant will fall, entirely ignoring the Virginia charter.

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<sup>1</sup> Sparks : Writings of Franklin, III., 48, 49.

1. The country southward of the Great Kanawha, as far as the Tennessee River, originally belonged to the Shawanese Indians.

2. The Six Nations, beginning about the year 1664, carried their victorious arms over the whole country, from the Great Lakes to the latitude of Carolina, and from the Alleghanies to the Mississippi. They, therefore, became possessed of the lands in question by right of conquest.

3. Much stress is then laid on the English protectorate over the Six Nations, acknowledged by the French in 1713, and by the Nations in 1726. When the French came into Western Pennsylvania, in 1754, the English held them invaders on the express ground that the country belonged to their allies and dependents. This was the view held by the British court in discussing the subject with Paris in 1755. In the French and Indian war the English had simply maintained their old rights; they expelled the French from the West as intruders, and held the country not by conquest, but by the Iroquois title. At Fort Stanwix the Iroquois sold to the Crown all their lands south of the Ohio, as far down as the Tennessee. The Crown is, therefore, vested with the undoubted right and property of those lands, and can do what it pleases with them.

4. The Cherokees never resided or hunted in the country between the Kanawha and the Tennessee, and had no right to it. The claim that this region ever belonged to the Cherokees is a fiction altogether new and indefensible, invented in the interest of Virginia. When that government saw that it was likely to be confined on the west by the mountains in consequence of the Stanwix purchase, it set up the Cherokee title in opposition to the Northern Indians.

5. Nor do the Six Nations, the Shawanese, or the Delawares now reside or hunt in the region where the grant will fall.

Franklin's object is to find room for the new colony between the Alleghanies and the Ohio. He follows closely the

facts of history touching the matter immediately in hand. The Iroquois had pretended to own the whole West north of the Cumberland Mountains, and the British government and New York had humored them in that pretension. But Franklin's reasoning on this point recalls forcibly what Mr. Parkman says in a passage already quoted concerning Iroquois conquests and titles. What is more, the Iroquois never occupied the Ohio Valley, while the Indians who were occupying it did not acknowledge the Iroquois title. The signers to the Stanwix treaty were all Iroquois, the Delaware and Shawanese delegates present at the council refusing, or at least neglecting, to sign. But granting that the British-Iroquois title was perfectly good as against the French and Western Indians, it had no force as against Virginia. The right that priority of discovery gave the discoverer was the right of pre-emption, and the fact that the Indian title to the Ohio Valley was acquired long after the Virginia charters in no way affected the rights of Virginia, if she ever had any. If the English had waited to acquire Indian titles before sending over colonies, America would be a wilderness at this day. Even the humane Penn first sent over his colony, two thousand strong, and then treated with the Indians. Franklin had himself, in 1754, expressly acknowledged the binding force of the "from sea-to-sea" charters until they should be duly limited. It is hard to see, therefore, that the Fort Stanwix purchase affected Virginia's rights, unless it be claimed that the purchase was made by a royal officer at the expense of the Crown, and not by the colony at her own expense; but it must be remembered that the Crown had taken Indian affairs out of the hands of the colonies, and that New York, Massachusetts, and Connecticut never regarded the purchase as at all easing their rights in the West. At the same time, Franklin's reasoning was admirably adapted to his immediate purpose. It would appear, from Franklin's account of things, that Virginia had concluded that after all she had more to fear from Johnson's line than from Stuart's.



Franklin restates the old arguments in favor of interior settlements, and, after a thorough examination of the whole subject, comes to the conclusion that the proclamation of 1763 was intended solely to pacify the Indians at a critical time, and that the Stanwix treaty has set the proclamation-line effectually aside. Looking into the West, he reports that in the years 1765-1768 great numbers of the king's subjects from Virginia, Maryland, and Pennsylvania were settling over the mountains; that this emigration led to great irritation among the Indians; that the emigrants refused to obey the proclamations issued ordering them to return to the other side of the king's line; that attempts to remove them by force ended only in failure; that the frontier troubles were among the causes that led to the treaty of 1768; that the said treaty, negotiated by Sir William Johnson under express orders from the home government, proves that the permanent exclusion of settlers from the Western country could not have been intended in 1763. The Doctor states that Pennsylvania had made it felony to occupy Indian lands within the limits of that colony; that the Governor of Virginia had commanded settlers to vacate all Indian lands within the limits of his government; and that General Gage had twice sent soldiers to remove the settlers from the Monongahela region, but all these efforts to enforce the restrictive policy had proved unavailing. He asserts that the object of the Stanwix purchase was to avert "an Indian rupture, and give an opportunity to the king's subjects quietly and lawfully to settle thereon."

Franklin does not fail to convict the Board of Trade of inconsistency. In 1748 it was anxious to promote settlements in the Ohio Valley; in 1768 it was of the opinion that the inhabitants of the middle colonies should be permitted gradually to extend themselves backward; in 1770 Lord Hillsborough recommended a new colony there, and two years later he made to the council the adverse report to which Franklin is now replying. The promoters of the new colony have no idea, he says, of draining Great Britain or the old colonies of

their population. That will be wholly unnecessary. If the colony is planted the colonists will not become lawless or rebellious, because they will be subjected to government ; but if the present restriction be continued the country will become the resort of desperate characters. Moreover, there is already a considerable population in the very district that the petitioners pray for ; and if these lawless people are not soon made subject to some authority, an Indian war will be the consequence. They are beyond the jurisdiction of Virginia, which cannot be extended over them without great difficulty, if at all. Hence, the only way to prevent the back country becoming the home of violence and disorder is to establish a new government there.

Many pages of Franklin's paper are devoted to the economical bearings of the proposed colony. He does not deny the doctrines of the colonial system ; he rather assumes them ; but he contradicts Hillsborough's applications of those doctrines to the matter in hand. On these points he collects a mass of information concerning the Ohio country and its capabilities, its relations to the commercial world, methods of reaching it, etc., that makes the report exceedingly readable.

Franklin's reply to Hillsborough, read in Council, July 1, 1772, immediately led to granting the Walpole petition. His Lordship, who had considered his report overwhelming, at once resigned his office in disgust and mortification. Hillsborough, it is said, " had conceived an idea, and was forming the plan of a boundary-line to be drawn from the Hudson River to the Mississippi, and thereby confining the British colonists between that line and the ocean, similar to the scheme of the French after the peace of Aix-la-Chapelle which brought on the war of 1756." The fact is, the British government had borrowed of the French their restrictive scheme.<sup>1</sup>

It appears from Franklin's pamphlet that the Virginia gov-

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<sup>1</sup> The Hillsborough Report, Franklin's reply, and the proclamation of 1763 are in Sparks, IV., 302-380.

ernment had been disturbed by the proceedings at Fort Stanwix. It was still more seriously disturbed by the proceedings of Walpole and his associates in London. On April 15, 1770, George Washington wrote a letter to Lord Botetourt, the governor, explaining how the Walpole grant would affect that colony. He says the boundary would run from the mouth of the Scioto River south through the pass of the Ouasioto Mountains near to the latitude of North Carolina; thence northeast to the Kanawha at the junction of the New River and the Greenbrier; thence by the Greenbrier and a due-east line drawn from the head of that river to the Alleghany Mountains; after which the boundaries will be Lord Fairfax's line, the lines of Maryland and Pennsylvania, and the Ohio River to the place of beginning—a large surface, surely, over which to spread 2,400,000 acres of land. Washington says that many Virginians are already settled on New River and the Greenbrier upon lands that Virginia has patented. He declares that the grant will give a fatal blow to the interests of Virginia. Having thus delivered his "sentiments as a member of the community at large," he begs leave to address his Excellency from "a more interested point of view," alleging that the 200,000 acres of land promised the Virginia troops called out in 1754 lie within these very limits. He protests earnestly against any interference with the rights of these men, and prays his Lordship's interposition with His Majesty to have these lands confirmed to the claimants and rightful owners. Washington continued to watch the new colony with a lively interest. In a letter to Lord Dunmore, written June 15, 1771, he says the report gains ground that the grant will be made and the colony established, and declares again that the plan will essentially interfere with the interests and expectations of Virginia. He also renews his plea in behalf of the officers and soldiers of 1754.<sup>1</sup>

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<sup>1</sup> The two letters are found side by side in Sparks : *Writings of Washington*, II., 355-361.

The facts presented show conclusively that in the years following the French war the Western policy of the British was not steady or consistent, but fitful and capricious; prompted by a solicitude for the Indians that was partly feigned, and partly by a growing jealousy of the shore colonies. Vandalia was the more welcome to the Council because it would limit Virginia on the west, and so weaken her influence. It is perfectly plain that George III. did not excel James I. in regard for the charter of 1609.

The policy of restriction culminated in 1774 in the Quebec Act. This act guaranteed to the Catholic Church in the Province of Quebec the possession of its vast property, said to equal one-fourth of the old French grants; it confirmed the Catholic clergy in the rights and privileges that they had enjoyed under the old *régime*; it set aside the provisions of the proclamation of 1763, creating representative government, and restored the French system of laws; it committed taxation to a council appointed by the Crown; it abolished trial by jury in civil cases; and, finally, it extended the province on the north to Hudson's Bay, and on the southwest and west to the Ohio and the Mississippi. Some features of this enactment can no doubt be successfully defended. As a whole it had two great ends. One was to propitiate the French population of Canada, to attach them by interest and sympathy to England, and so to prevent their making common cause with the colonies in case worse should come to worst; the other was permanently to sever the West from the shore colonies, and put it in train for being cut up, when the time should come, into independent governments that should have their affiliations with the St. Lawrence basin rather than with the Atlantic slope. Here it may be observed that twice the old Northwest was subject to a jurisdiction whose capital was on the St. Lawrence; once in the old French days, and once in the last year of the British control of the colonies—a fact that shows how thoroughly the home government had adopted French ideas concerning the West.

The year 1774 is remarkable for odious colonial measures; it was the year of the Boston Port Bill and the Massachusetts Bay Bill; but no one of these measures was more odious to the colonists than the Quebec Act. They regarded the changes made in the government of Canada as a stroke at their own governments, while they looked upon the new boundaries as a final effort to wrest the West from them forever. The act provoked a general outcry of denunciation. The youthful Hamilton made it the subject of one of his first political papers. The Continental Congress, enumerating "the acts of pretended legislation" to which the king had given his assent, included in the formidable list the act "for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule in these colonies." The Declaration of Independence arraigned the king on another charge. "He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage emigration hither, and raising the conditions of new appropriations of lands." The presence of these counts in the indictment of 1776 shows the power with which the royal policy had taken hold of the colonial mind. Those colonies that had definite Western boundaries joined in the indictment, as well as those that claimed to the Mississippi River. There was a universal feeling that "lands which had been rescued from the French by the united efforts of Great Britain and America were now severed from their natural connections with the settlements of the seaboard, and formed into a vast inland province like the ancient Louisiana."<sup>1</sup>

The enlargement of the province was defended in Parliament, according to the "Annual Register," on the ground that

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<sup>1</sup> Adams: *Maryland's Influence on Western Land Cessions to the United States*, 19.

there were French inhabitants beyond the proclamation-limits of 1763 "who ought to have provision made for them; and that there was one entire colony at the Illinois." The "Register" thus sums up the objections of the opposition:

"Further they asked, why the proclamation limits were enlarged, as if it were thought that this arbitrary government could not have too extensive an object. If there be, which they doubted, any spots on which some Canadians are settled, provide, said they, for them; but do not annex to Canada immense territories now desert, but which are the best part of that continent, and which run on the back of all your ancient colonies. That this measure cannot fail to add to their other discontents and apprehensions, as they can attribute the extension given to an arbitrary military government, and to a people alien in origin, laws, and religion, to nothing else but that design, of which they see but too many proofs already, of utterly extinguishing their liberties, and bringing them, by the arms of those very people, whom they had helped to conquer, into a state of the most abject vassalage."<sup>1</sup>

The restoration of the French system of laws was defended on the ground that the Canadians were indifferent to English institutions, and were incapable of carrying on representative government.

But the Quebec Act did not accomplish its expected purpose. It was nullified by the Revolution. By and by, when the limits of the Thirteen Colonies, as they were after 1763, were set up as the criterion to determine the boundaries of the United States, England, France, and Spain, all took the position that the Royal Proclamation and the Quebec Act limited the States on the west. To this claim the replies, "The king's line of 1763 was a temporary expedient to quiet the Indians," and "The Quebec Act was one of the causes that brought on the war, and that we are fighting to resist,"

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<sup>1</sup> Annual Register, 1774, 76, 77.

are pressed once and again in the American state papers of the period.

Even Lord Dunmore, that bitter enemy of the colonies and steadfast upholder of the British cause, ignored the Western policy of the home government. His personal characteristics, love of money and of power, contributed to this end. "His passion for land and fees," says Bancroft, "outweighing the proclamation of the king and reiterated most positive instructions from the Secretary of State, he supported the claims of the colony to the West, and was a partner in two immense purchases of land from the Indians in Southern Illinois. In 1773 his agents, the Bullets, made surveys at the Falls of the Ohio; and parts of Louisville and parts of the towns opposite Cincinnati are now held under his warrant." The Indian war that takes its name from his Lordship, which was brought on by his own Western policy, was in contravention of the policy of the home government; and the historian just quoted goes so far as to say: "The royal Governor of Virginia, and the Virginian Army in the Valley of the Scioto, nullified the Act of Parliament which extended the Province of Quebec to the Ohio, and in the name of the King of Great Britain triumphantly maintained for Virginia the Western and Northwestern jurisdiction which she claimed as her chartered right." Virginia "applauded Dunmore when he set at naught the Quebec Act, and kept possession of the government and right to grant lands on the Scioto, the Wabash, and the Illinois."<sup>1</sup> Dunmore's invasion of the Northwest, in 1774, added another link to the Virginia chain of titles to those regions. "From its second charter, the discoveries of its people, the authorized grants of its governors since 1746, the encouragement of its legislature to settlers in 1752-53, the promise of lands as bounties to officers and soldiers who served in the French war, and the continued emigration of its inhabitants, the Ancient Dominion derived its title to occupy the Great West."<sup>2</sup>

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<sup>1</sup> History, IV., 82, 83, 88.

<sup>2</sup> Bancroft: History, III., 320.

Strangely enough, the British Government strove to keep the Northwest a waste, years after having lost all control of it. The British commissioners at Ghent, in 1814, proposed as one of the first conditions of peace, "that the United States should conclude a peace with the Indian allies of Great Britain, and that a species of neutral belt of Indian territory should be established between the dominions of the United States and Great Britain, so that these dominions should be nowhere conterminous, upon which belt or barrier neither power should be permitted to encroach even by purchase, and the boundaries of which should be settled in this treaty" [about to be negotiated]; and Dr. Adams, one of those commissioners, answering the question what should be done with the one hundred thousand citizens of the United States already settled in Ohio, Michigan, and Illinois, replied that they must shift for themselves.<sup>1</sup>

There was one English statesman, at least, at the period of the Revolution who saw the futility of all attempts to carry out the restrictive policy. In his famous "Speech on Conciliation of America," delivered in the House of Commons, March 22, 1775, Edmund Burke replied to the suggestion that, as a means of checking the too rapidly growing population, the Crown should make no further grants of land, thus working an "avarice of desolation" and a "hoarding of a royal wilderness." If the grants are stopped, the people will occupy without grants, as they have already done in many places; if driven from one locality, they will remove to another, for in the back settlements they are little attached to particular situations. And then, launching out into one of those glowing descriptive passages for which his eloquence is so celebrated, the orator proceeds:

"Already they have topped the Appalachian Mountains. From thence they behold before them an immense plain, one vast, rich level meadow: a square of five hundred miles.

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Morse : John Quincy Adams, in *Statesmen Series*, 78, 80.



Over this they would wander without a possibility of restraint ; they would change their manners with the habits of their life ; would hence soon forget a government by which they were disowned ; would become hordes of English Tartars, and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, ' Increase and multiply.' Such would be the happy result of an endeavor to keep as a lair of wild beasts that earth which God by an express charter has given to the children of men."

Signally as England failed in the attempt to exclude civilization from the Great West, she did not abandon the attempt to apply the principles of the Royal Proclamation to the American wilderness. In discussing the Oregon Question with the United States in 1818-1846, she stubbornly strove to prevent settlements on the waters of the Columbia, and to devote the shores of the distant Pacific to the purposes of the Hudson Bay Company. Fortunately she was again foiled by the power that had foiled her before—the enterprise and hardihood of the American pioneer.<sup>1</sup>

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<sup>1</sup> See Barrows : Oregon, in Commonwealth Series.

## IX.

### THE NORTHWEST IN THE REVOLUTION.

MR. BANCROFT says the French and Indian war was begun by England "for the acquisition of the Ohio Valley. She achieved this conquest, but not for herself. . . . England became not so much the possessor of the valley of the West as the trustee, commissioned to transfer it from the France of the Middle Ages to the free people who were making for humanity a new life in America."<sup>1</sup> How unfit England was, in the days of George III., to be the possessor of the valley is shown by the policy that she pursued from the close of the French war to the beginning of the Revolution. She was first anxious to secure possession of the Ohio, and then reluctant to see it put to any civilized use. Her restrictive Western policy, as we have seen, was one of the causes leading to the War of Independence, and so leading to the loss of the whole West.

Although a solitude, and because a solitude, the overmountain country had more at stake in the Revolution than the Atlantic slope. On the slope, whatever the issue of the war, an Anglo-Saxon civilization, although it might be greatly stunted and impoverished, was assured; but in the Western valleys such few seeds of civilization as had been planted were Gallican and not Saxon. Moreover, there were uncertainties and perils growing out of the relation of that country to the Franco-Spanish civilization of Louisiana. Between 1748 and 1783 the Western question presented three

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<sup>1</sup> History, II., 565.

distinct phases. In 1748-1763 it was the supremacy of England or France in the West; in 1763-1775 it was whether the country should belong to the red man or the white man; and in 1775-1783 it was whether it should form a part of the United States or of some foreign power. In general, this last question was settled by the "skirmishes of sentinels and outposts" east of the mountains, as Lafayette called the Revolution. Still the Northwest appears in the Revolution in two or three aspects that must be presented.

For a few years before the beginning of the French war the Western Indians had been disposed to listen to the English envoys who visited them rather than to the French; but the defeat of Braddock brought upon the English frontier-settlements all the scalping knives of the Western hordes. The Indians were really a part of the soil, like the trees and the buffalo, but France could not transfer them in 1763 with the same facility to their new masters. The savages understood perfectly that the English were far more dangerous to them than the French had been. The posting of garrisons in the Western forts would be likely to bring to their best hunting grounds swarms of colonists greedy for lands. The officers of the garrisons sent to the West reported the Indians sullen and angry. Pontiac was at that very time organizing his formidable conspiracy, the aim of which was to roll back the tide of English invasion. In the summer of 1763 the storm of war burst upon the wilderness-garrisons: Mackinaw, St. Joseph, Sandusky, Ouiatenon, Fort Miami, Presque Isle, Le Bœuf, and Venango fell into the hands of the savages; and Fort Pitt and Detroit were beleaguered. But Boquet's brave march to the heart of Ohio and Gladwin's heroic defence of Detroit broke the power of the Ottawa chieftain, and the Indians were compelled to come to terms. And now began a process of mutual reconciliation. The royal proclamation of 1763, the subsequent restriction of the Western population, the measurable adoption of French methods by the British officers, the growing conviction of the savage that

the British Government and the colonies were not the same, and that his danger came from the latter—these causes, with the widening breach between the Mother Country and the colonies, gradually won the Indians over to the British side, and made them ready to accept the war-belt whenever the British commandant at Detroit should send it to them. It is a fact, and perhaps a curious one, that whenever the St. Lawrence Valley and the Atlantic Slope have been arrayed against each other in deadly strife, the Western Indians have sided with the former—in 1755, in 1775, and in 1812.

In 1763 Sir William Johnson estimated the Western Indians, exclusive of the Illinois, at 9,000 warriors,<sup>1</sup> and we may accept that as the number at the beginning of the Revolution. Of these the large majority were already enemies of the Americans, fully prepared to do their part to wrap the long frontier from the Susquehanna to the Tennessee in flames and blood. Left to themselves, these savages would have been a formidable foe; but with a base of supplies on the Detroit, with rallying points in the wilderness-forts, and with the constant stimulation and frequent leadership of British officers, they were simply portentous. The American Revolution in its Northwestern aspect was a continuation of the French and Indian war, the old conflict renewed with some change of parties. The States find the savage power of the Northwest arrayed against them as before. France has dropped out and England has taken her place, succeeding to all her ideas—even that of employing the savage's tomahawk against her revolted colonies—and to all the advantages of the old French position.

The proposition to employ the scalping knife called out from Lord Chatham one of his immortal bursts of eloquence. It was repugnant to the feelings of General Howe and Sir Guy Carleton; but it was heartily approved by Governor Hamilton, at Detroit, who at once made ready to use all the re-

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<sup>1</sup> Walker : *Michigan Pioneer Collections*, III, 16.

sources that his position gave him, to bring upon the rear and flank of the States the only form of warfare known in those regions. He employed Elliot, McGee, and the Girty brothers. He subsidized the Indians. Time and again he sent to the tribes the war-belt, summoning them to bloody forays that he himself had planned. His acts will not be here recounted, nor will the history of this phase of the Revolution be written; but it is due to Hamilton to say that his hand was seen at Wheeling, at Harrodsburg, at Boonsborough, at the Blue Licks, where the flower of Kentucky fell, as well as in a hundred attacks upon outlying stations and defenceless farms.

The only other force that the British commander at Detroit could wield was that of the *habitants*. Before we can describe the part that they played in the struggle, we must sketch their history from the close of the previous war.

The moment the French settlements in the West passed into English hands, they began to decline in both the number and the quality of their population. The causes of this decline are easily found.

The sources of such strength as they had had were now sapped. The proclamation of 1763 left them outside the pale of any civil jurisdiction, subject only to military authority. Nor did the Quebec Act work any real change. All through the Revolution, the commander of the Detroit garrison was the civil as well as the military head of the whole Northwest, and most of his subordinates were military officers. There were magistrates, but their commissions came from the commandant, and they dealt out a very arbitrary and capricious justice. For example, Governor Hamilton adjudged a defendant, who pleaded that he could not pay a debt, to give the plaintiff an old negro wench; and Dejean, a magistrate who cuts a great figure in Detroit in those days, condemned men to the gallows whom a jury had found guilty of theft. The orderly was a more conspicuous officer of the law than the constable. Military officers sometimes solemnized

marriages, and even administered the rite of baptism. The Canadian officers of the time knew almost nothing of the country beyond the Lakes. Sir Guy Carleton, Governor of Canada, told the House of Commons in 1774 that Michigan was a part of Canada, but that Detroit was not; and that he did not know where Canada ended and Illinois began. At that time, it must be remembered, English statesmen had less knowledge of the boundaries of great provinces in North America than they have now of narrow valleys or small oases in the deserts of Turkistan. Between the Western *habitants* and the British officers there was a strong mutual dislike. They had been trained for generations to believe the British their implacable enemies, and they could not suddenly consent to be governed by them. To be sure, the capitulation of 1760 and the treaty of 1763 both guaranteed them fullest protection, with the full enjoyment of their religion; but these pledges did not overcome their repugnance to the change of governors. Then most of them had sympathized with Pontiac, and this made them shy of the British authorities. The authorities of Louisiana offered the French in Illinois and Michigan special inducements to remove to that province. The mild climate, productive soil, a congenial population, and the French laws, religion, and customs, together with the more direct inducements, made the invitation very attractive. The Illinois people had only to cross the Mississippi to find another Illinois. Then just at that time La Clede founded St. Louis. Very naturally, therefore, the Northwestern settlements began to diminish in numbers and to deteriorate in quality. In a few years Kaskaskia and Detroit dwindled to one-third their former population. Nor did a British population come in to take their places. No doubt men from New York and other colonies would have flocked to Detroit, had it not been for the adoption by the British Government of the French policy of restriction. Judge Walker says that in 1778 there were at Detroit thirty Scotchmen, fifteen Irishmen, and two Englishmen; and he estimates the total per-

manent population of the territory between the two rivers and the lakes as five thousand at the beginning of the Revolution.<sup>1</sup>

Evidently this was not an inviting field in which to find recruits for the British service.

In the fall of 1775 Lord Dunmore despatched his creature Dr. Connolly, who had just figured so prominently in the Western Pennsylvania troubles, to Detroit, with orders to raise a regiment of Canadians and a force of Indians with which to join his Lordship ; but Connolly's arrest and imprisonment in Maryland, and Dunmore's precipitate flight, nipped this enterprise in the bud. The next year Captain de Langlade, of Green Bay, who had seen service in the French war, recruited a motley force of whites and Indians, mainly upon the upper waters, with which he descended to Montreal and joined the British army.

It must not be supposed that the men of the frontier sat nerveless while the Indians were making their raids and the British officers were seeking to array the French against them. Mention will not here be made of the minor invasions of the Indian country ; but one heroic movement, that was fraught with large consequences, must be treated somewhat at length.

In the middle of the last century Virginia, owing to her position, her vast land-claims, and the stage of civilization which she had attained, had more Western enterprise than any other colony. In 1774 Dunmore's war gave her the "back-lands," into which her frontiersmen had been for some time pressing. Boone was a Carolinian, but Kentucky was a distinctively Virginia colony. In 1776 the Virginia legislature erected the County of Kentucky, and the next year a Virginia judge dispensed justice at Harrodsburg. Soon the colony was represented in the legislature of the parent state. While thus extending her jurisdiction over the region southwest of the Ohio, the Old Dominion did not forget the lan-

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<sup>1</sup> Michigan Pioneer Collections, III., 12 et seq.

guage of 1609, "up into the land throughout from sea to sea, west and northwest."

George Rogers Clark, a Virginian who had made Kentucky his home, was endowed with something of the general's and statesman's grasp. While floating down the Ohio in 1776, being then twenty-four years of age, he conceived the conquest of the country beyond the river. It does not appear that he saw the remote bearings of such an achievement; at least, in his own account of it he says he was "elivated with the thoughts of the great service we should do our country in some measure puting an end to the Indian war on our frontiers."<sup>1</sup> But this was a great object. The savages scattered through the Northwestern wilderness were constantly attacking at one point or another the long thin line of frontier settlements; and they drew their supplies of powder and lead and other necessities, and often received leaders as well as direction, from the fortified forts, Detroit, Vincennes, and the rest. Accordingly, if the posts could be captured, the Indians would lose their rallying points and supplies, they would be overawed and restrained in a degree, and the war on the frontier would be put an end to "in some measure," if not altogether. Probably this was as far as Clark saw. But Thomas Jefferson saw much further. In a letter to Clark, the date of which is lost but that was written before the issue of the campaign was known in Virginia, that great statesman wrote: "Much solicitude will be felt for the result of your expedition to the Wabash; it will at least delay their expedition to the frontier-settlement, and if successful have an important bearing ultimately in establishing our northwestern boundary."<sup>2</sup>

Clark says he had since the beginning of the war taken pains to make himself acquainted with the true situation of the Northwestern posts; and in 1777 he sent two young hunters to spy out the country more thoroughly, and especially to ascertain the sentiments of the *habitants*. On the return of these

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<sup>1</sup> Clark's Campaign in the Illinois, 24.

<sup>2</sup> Ibid., 2, note.



hunters with an encouraging report, he went to Williamsburg, then the capital of Virginia, where he enlisted Governor Patrick Henry and other leading minds in a secret expedition to the Illinois. Acting under a vaguely worded law, authorizing him to aid "any expedition against their Western enemies," Governor Henry gave Clark some vague public instructions, directing him to enlist, in any county of the commonwealth, seven companies of men who should act under his command as a militia, and also private instructions that were much more full and definite. He is to attack the post of Kaskaskia, but this he is to confide to as few as possible. If the white inhabitants of the post "will give undoubted evidence of their attachment to this State (for it is certain they live within its limits)," says the governor, they shall be treated as fellow-citizens; but if not, they must feel the miseries of war. He remarks that it is in contemplation to establish a post near the mouth of the Ohio. Boats, provisions, powder and lead, will be provided at Fort Pitt. Both the public and private instructions are dated January 2, 1778.<sup>1</sup> The governor also gave the young captain a small supply of money.

Clark immediately recrossed the mountains, and began to recruit his command. The secrecy that he was obliged to maintain made his undertaking difficult in the extreme. He complains bitterly of the obstructions thrown in his way by "many leading men in the frontier," which prevented the enlistment of as many men as had been contemplated, and also led to frequent desertions. Overcoming as best he could the difficulties that environed him, he collected his feeble command at the Falls of the Ohio. On June 26, 1778, he began the descent of the river. Leaving the Ohio at Fort Massac, forty miles above its mouth, he began the march to Kaskaskia. This fell into his hands, July 5th, and Cahokia soon after, both without the loss of a single life. Clark found few Englishmen in these villages, and the French, who were weary

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<sup>1</sup> Appendix to Clark's Campaign in the Illinois.

of British rule, he had little difficulty in attaching to the American interest. Vincennes, soon after, surrendered to a mere proclamation, when there was not an American soldier within one hundred miles of the place. The ease with which this conquest was accomplished was largely due to the Kaskaskia priest, Father Pierre Gibault, who entered into Clark's plans with the greatest warmth and energy.<sup>1</sup>

"I now found myself," says Clark, "in possession of the whole, in a country where I found I could do more real service than I expected, which occasioned my situation to be the more disagreeable as I wanted men."<sup>2</sup> At no time had he had two hundred men in his command; and now, the time for which they had enlisted having expired, and the immediate object of the expedition having been gained, they were anxious to return home. Although the Illinois and the Wabash had fallen almost without a blow, it was necessary that they should be held or all would be lost, no matter whether the situation was viewed with the eyes of George Rogers Clark or the eyes of Thomas Jefferson. Clark prevailed upon one hundred men to re-enlist for eight months; he then filled up his companies with recruits from the villages, and sent an urgent call to Virginia for re-enforcements.

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<sup>1</sup> The editor of Clark's Campaign in the Illinois quotes from Judge Law, Colonial History of Vincennes, the remark that to Gibault, "next to Clark and Vigo, the United States are indebted for the accession of the States comprised in what was the original Northwest Territory [more] than to any other man"—33, 34, note.

In 1778, St. Louis was a young town fourteen years of age, and the Spanish as well as the French population were very friendly to the Americans. Colonel Francis Vigo was a St. Louis merchant who rendered Clark and the American cause most valuable services. Among others, he cashed Clark's drafts for \$12,000 on New Orleans, a large sum in the Mississippi Valley one hundred years ago, and thus enabled him to keep the field. Clark's drafts were protested; and the debt due Vigo was not paid until 1876, and then after many hearings by congressional committees and protracted litigation in the United States courts. See Tract 35 of the Western Reserve and Northern Ohio Historical Society, "A Centennial Lawsuit," by Judge C. C. Baldwin.

<sup>2</sup> Clark's Campaign, 36.

The salutary influence of the invasion upon the Indians was felt at once ; it " began to spread among the nations even to the border of the lakes ;" and in five weeks Clark settled a peace with ten or twelve different tribes. With great ability Clark outwitted the English, counteracted their influence upon the savages, and kept " spies continually in and about Detroit for a considerable time." He even captured Ouiatenon, which stroke, he says, " completed our interest on the Wabash."

And now Clark began really to feel the difficulties of his situation. Destitute of money, poorly supplied, commanding a small and widely scattered force, he had to meet and circumvent an active enemy who was determined to regain what he had lost. Governor Hamilton projected a grand campaign against the French towns that had been captured and the small force that held them. The feeble issue was the capture, in December, 1778, of Vincennes, which was occupied by but two Americans. Clark, who was in the Illinois at the time of this disaster, at once put his little force in motion for the Wabash, knowing, he says, that if he did not take Hamilton, Hamilton would take him ; and, February 25, 1779, at the end of a march of two hundred and fifty miles, that ranks in peril and hardship with Arnold's winter march to Canada, he again captured the town, the fort, the governor, and his whole command. Hamilton was sent to Virginia a prisoner of war, where he was found guilty of treating American prisoners with cruelty, and of offering the Indians premiums for scalps, but none for prisoners.

American statesmen and soldiers perfectly understood the importance of Detroit. Congress considered the feasibility of capturing it as early as April, 1776, and often returned to the subject thereafter. But nothing was done, or really attempted, in the early years of the war, for want of men, munitions, and money. Washington gave the subject his earnest attention. In December, 1778, he considered it in connection with a grand invasion of Canada, then projected. In January,

1779, when a Northwestern expedition, under General McIntosh, was proposed, he said the best way to deal with the Indians was to carry the war into their own country. In April of the same year he inquired of Colonel Broadhead the best time to attempt a march to Detroit, and suggested the winter, because the British would not then be able to use their naval force on Lake Erie.<sup>1</sup> Naturally, Clark's achievement, since it made the reduction of the post seem more feasible, led to more serious consideration of the subject. Clark himself considered his work only half done, and was very ambitious to lead an army through the wilderness to the gateway of the Northwest. More than once a force seemed almost on the point of starting. A joint Virginia and continental expedition was at one time contemplated. But the same causes that operated to defeat the earlier attempts continued to operate. Clark, who probably did not appreciate the difference between seizing Detroit and seizing Kaskaskia, was compelled to abandon the enterprise, and Detroit remained in British hands at the end of the war, and, in fact, until 1796. "Detroit lost for a few hundred men," was his pathetic lament as he surrendered an enterprise that lay near his heart. Had he been able to achieve it, he would have won and held the whole Northwest. As it was he won and held the Illinois and the Wabash in the name of Virginia and of the United States. The bearing of this conquest on the question of western boundaries will be considered in another place, but here it is pertinent to remark that the American Commissioners, in 1782, at Paris, could plead *uti possidetis* in reference to much of the country beyond the Ohio, for the flag of the Republic, raised over it by George Rogers Clark, had never been lowered. It would not be easy to find in our history a case of an officer accomplishing results that were so great and far-reaching with so small a force. Clark's later life is little to his credit, but it should not be forgotten that he

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<sup>1</sup> Sparks : Writings of Washington, VI., 120, 156, 225.

rendered the American cause and civilization a very great service.

All this time the British were not idle. War-party after war-party was sent against the American border. In 1780 a grand expedition was organized at Detroit and sent to Kentucky, under the command of Captain Bird. But it accomplished nothing commensurate with its magnitude and cost. Great efforts were made to raise a white contingent, but they brought together only some eighty men. Judge Walker finds, among the bills for supplies furnished the British Indian Department, items that plainly reveal the character of Bird's command; viz., 476 dozen scalping-knives, 1,206 pounds of vermilion, 21,663 yards tinsel roll, 301 dozen looking-glasses, 8,200 ear-bobs, etc.

The Northwest had been won by a Virginia army, commanded by a Virginia officer, put in the field at Virginia's expense. Governor Henry had promptly announced the conquest to the Virginia delegates in Congress. He spoke of Detroit as being "at present defended by so inconsiderable a garrison, and so scantily furnished with provisions, for which they must be still more distressed by the loss of supplies from the Illinois, that it might be reduced by any number of men above five hundred," and closed his interesting communication with the words: "Were it possible to secure the St. Lawrence and prevent the English attempts up that river by seizing some post on it, peace with the Indians would seem to be secured."<sup>1</sup> In the same letter he also expressed much gratification at the spirit in which Clark's command had been received by the French settlers. But before Patrick Henry wrote this letter Virginia had welded the last link in her chain of title to the country beyond the Ohio. In October, 1778, her Legislature declared: "All the citizens of the commonwealth of Virginia, who are actually settlers there, or who shall hereafter be settled on the west side of the Ohio,

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<sup>1</sup> Tyler : Patrick Henry, 230, 231.

shall be included in the district of Kentucky, which shall be called Illinois County." Nor was this all. Soon after, Governor Henry appointed a lieutenant-commandant for the new county, with full instructions for carrying on the government.<sup>1</sup> The French settlements remained under Virginia jurisdiction until March, 1784.

Attention should more particularly be drawn to the spirit in which the French settlers beyond the Ohio received the Americans. It is perfectly clear that had they actively taken the side of the British, Clark could never have done his work. The ancient antipathy to the British; a desire to see the work of 1763 apparently undone, although it was only being perfected; the French alliance of 1778, which made them think they were again opposing the old enemy—these, with the intelligent and spirited conduct of the Kaskaskia priest, decided the *habitants* of the Illinois and the Wabash. In the far North, where the straggling white men were more reckless, and at Detroit, the centre of British influence, the French were more favorably disposed to the British. But even at Detroit the British officers complained of the apathy of the Canadians, and the small number of volunteers enrolled in the expeditions there organized confirms the complaints. It is not too much to say that, in the end, the settlements upon which the British so much relied proved a means of their destruction.

In future chapters we shall have occasion to refer to these French settlements again. But this is the place to say that the welcome which they gave the Americans did not arrest their fate or retard their decline. The breath of Anglo-American civilization seemed almost as fatal to them as to the Indians themselves. Louisiana and the fur lands continued to draw away their strength; and scarcely a trace of them can be found in Northwestern life to-day. Champlain laid the foundation of the British Province of Quebec; the State of

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<sup>1</sup> Edwards : History of Illinois, and Life of Ninian Edwards, 5, 7.

Louisiana is the child of the French colony; but the *habitants* of the Northwest seem as effectually lost in the past as the Mound Builders.

Although the French settlements did not become an element in the civilization of the Northwest, they will always remain an attractive and, in many respects, a pleasing chapter of American history. The story of Northwestern discovery and exploration will long be drawn upon for examples of heroic endurance, high courage, and unyielding devotion. It will long point the moral that sound ideas and practical purposes are as essential to success as zeal and enthusiasm. The French colonies as much surpass the English in poetic elements as the English surpass them in strength and permanence; and the long procession of discoverers, explorers, priests, *coureurs des bois*, traders, *voyageurs*, soldiers, and *habitants*, with its retinue of bedizened savages, will stir the hearts of those who respond to high qualities, and catch the attention of those who have an eye for the picturesque. French life was marked by a good humor, contentment, simplicity, freedom from cankering care and desire for acquisition, hospitality, childlike faith, and sociability that make it very attractive. Cable has touched some of its phases in his Creole pictures. Longfellow idealizes some of its traits, as well as much of its scenery, in "Evangeline." The descriptions written by tourists and United States officers at the time of the Louisiana purchase are more prosaic, but still have many elements of charm. Detroit stood the shock of the American emigration better than any other of the Western posts; and many of the striking features of the old French town remained until they were fixed in enduring colors. Mr. Bela Hubbard's chapters, entitled "French Habitants of the Detroit," are a series of delightful pictures of the "pipe-stem farms," the uncouth ploughs and carryalls, the pony-carts, the races, the apple-orchards, the cider-mills, and ancient pear-trees whose origin no one can explain, the quaint houses, the wind-mills, the jaunty costumes, the fishing, the language, religion,

manners, and recreations, and the *voyageurs*, with a few specimens of their songs.<sup>1</sup>

But while the French life has so thoroughly disappeared from the old Northwest, some of its wilder aspects may still be seen far north in the Great Fur Land. The *voyageur*, for example, has disappeared from the streams of Michigan and Wisconsin; but he still paddles his canoe on the rivers falling into Hudson's Bay and on the affluents of the Mackenzie. His blood is more mixed, his language more corrupt, and he is more a savage than one hundred years ago; but he still preserves the main features of the type. A traveller who has visited those haunts describes him as merry, light-hearted, obliging, hospitable, and extravagant; when idle, devoted to singing, dancing, gossip, and drinking to intoxication; having vanity as his besetting sin; intensely superstitious; completely under the influence of his priest; devoted to the forms of religion, grossly immoral, often dishonest, and generally untrustworthy; with no sense of duty in his daily life; controlled by passion and caprice, and having little aptitude for continuous labor. "No man will labor more cheerfully and gallantly at the severe toil pertinent to his calling; but those efforts are of short duration, and when they are ended, his chief desire is to do nothing but eat, drink, smoke, and be merry—all of them acts in which he greatly excels."<sup>2</sup>

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<sup>1</sup> "The labor of the oar," says Mr. Hubbard, "was relieved by songs, to which each stroke kept time, with added vigor. The poet Moore has well caught the spirit of the *voyageurs'* melodious chant, in his 'Boat-song upon the St. Lawrence.' But to appreciate its wild sweetness, one should listen to the melody as it wings its way over the waters, softened by distance, yet every measured cadence falling distinct upon the ear."—*Memorials of a Half Century*, 107-154.

<sup>2</sup> Robinson: *The Great Fur Land*, 108, 109.



## X.

### THE UNITED STATES WREST THE NORTH- WEST FROM ENGLAND.

#### THE SECOND TREATY OF PARIS.

ON the Fourth of July, 1776, the thirteen British colonies in North America, by their chosen representatives in general congress assembled, solemnly published and declared that they were, and of a right ought to be, free and independent States. By this act they assumed a separate and equal place among the powers of the earth as the United States of America. Less than two years thereafter—that is, on February 6, 1778—the King of France entered into two treaties with the new nation: one of alliance, and one of amity and commerce; the essential and direct end of the first being, as declared in the second article, “to maintain effectually the liberty, sovereignty, and independence absolute and unlimited of the said United States, as well in matters of government as of commerce.” Article 5 stipulated that, if the United States should conquer the British in the Northern parts of America, or the Bermuda Islands, those countries or islands should be confederated with, or be made dependent upon, the said United States. Article 7 stipulated that if His Majesty the King of France should attack any of the islands in the Gulf of Mexico, belonging to Great Britain, or islands near that gulf, such islands should, in case of success, appertain to the Crown of France. In Article 6 the king renounced the possession of the Bermudas, as well as those parts of North

America that, by the treaty of 1763, were acknowledged to belong to Great Britain, or to the United States, before called British colonies, or which then were, or had lately been, under the power of the Crown of Great Britain. By Article 11 the United States guaranteed to His Majesty his present possessions in America, as well as those he might acquire by the future treaty of peace; while His Majesty guaranteed to the United States not only their liberty, sovereignty, and independence in both matters of government and commerce, but also their possessions, and the conquests that they might make from Great Britain during the war, as provided in the previous article. The Declaration of Independence bore the caption: "The unanimous Declaration of the United States of America;" the names of the States were given, with the signers at the end. One of the French treaties was made with "the thirteen United States of North America," the other with "the United States of North America;" the names of the States being added in both cases. Beyond these general terms neither the Declaration nor the treaties contained one word describing the new nation. Were the terms clothed with such definite meaning that all the world knew just what the new nation was?

In a social and political sense "the thirteen British colonies in North America," previous to 1776, stood for clear and definite ideas. They were the thirteen communities planted by England, at least by Englishmen, in the seventeenth and eighteenth centuries on the eastern shore of North America, between the St. Croix and Altamaha Rivers; communities that had an individual history and a collective history which plainly marked them off, to the minds of Europeans, from the French settlements to the north and the Spanish settlements to the south. Nor did they lose their individuality even when these French and Spanish settlements, after 1763, took rank with them as American colonies of the British Crown. Who were the people that put forth the Declaration of Independence was therefore well under-

derstood wherever that Declaration was read ; as it was, likewise, who entered into the treaties with France in 1778.

But what the names found in the Declaration and French treaties stood for in a geographical and territorial sense was not equally plain. "Massachusetts," "Virginia," "Carolina," for example, had meant very different things at different times. Nor did they represent definitely ascertained units in 1776. Probably, too, there were no two States lying side by side between which there were not pending boundary-disputes. The chapters on the "Thirteen Colonies as Constituted by the Royal Charters" make that sufficiently plain. Then there arose sharp controversies as to the division and proprietorship of the country beyond the Alleghany Mountains. But above these internal territorial questions towered one that may be called external, viz. : "What is the extent of the thirteen States of America considered as a whole ?" Neither the Declaration nor the treaties contained any answer ; so far from it, the name used in these documents might mean, and soon came to mean, very different things to different people. For instance, although the King of France entered into the defensive alliance of 1778 solely to make sure and effectual the liberty, sovereignty, and absolute independence of the United States, in less than two years he used his influence to induce his allies to consent to the Alleghany Mountains as a western boundary, which would have cut off fully one half of the territory that the United States claimed, and that Great Britain ultimately conceded. Again, the United States described in 1779 in the instructions to John Adams, commissioner to negotiate a peace, are not geographically the same United States whose independence was acknowledged at Paris in 1782. Hence it is plain that England might, the day after the French treaties were signed, or even the day after the Declaration was published, have conceded the independence of the States in the very terms used in those documents, and still have left unsettled a territorial question larger than the one which brought on the French and Indian war in 1754. It

is quite clear, therefore, that in 1776 the United States were not as definitely marked off from other nations territorially as they were from other peoples politically and socially.

At the beginning the United States were a purely federal<sup>1</sup> nation and government. They could not touch directly a single citizen, a single dollar, or a single foot of land. They were dependent upon the States individually for a Congress, a treasury, an army, and a capital. The States made up the United States. At different times, in the course of the war, Congress offered land-bounties for volunteers in the continental line, but when the offers were made Congress had no lands, and, had it not been for the Northwestern cessions, it would have been compelled to ask the States for special grants with which to satisfy them. When the time came to instruct the national representatives abroad in regard to the national limits, the federal principle was strictly followed. Hence Mr. Jay, who went to Spain in 1779, was instructed, October 4, 1780, to insist upon the Mississippi River because it was "the boundary of several States in the Union." On January 8, 1782, a committee of which Mr. Madison was a member, to which had been referred certain papers in regard to the prospective negotiations for peace with His Britannic Majesty, thus stated the rule by which the national boundaries should be ascertained :

"Under his authority the limits of these States, while in the character of colonies, were established ; to these limits the

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<sup>1</sup> As Mr. G. T. Curtis points out, the term "federal" or "federalist" has been used in our politics in three distinct senses : First, in its philosophical sense, in that of federal in distinction from national ; second, in that of a supporter of the Constitution, when it was before the people for their adoption ; third, in that of a member of the political party at the head of which stood Washington. The three meanings all appeared within the limits of a few years. In 1787 Hamilton was not a Federalist, because opposed to the continuance of the Confederation, and desirous of a National Government ; in 1788 he was a Federalist, because he desired the adoption of the Constitution, and he continued a Federalist, because he favored a particular political policy. History of the Constitution, II, 497. The word is used above in its proper philosophical sense.

United States, considered as independent sovereignties, have succeeded. Whatsoever territorial rights, therefore, belonged to them before the Revolution were necessarily devolved upon them at the era of independence."

Then follows a long argument to show that this principle would give the United States the territories that they claimed in the instructions soon to be mentioned.<sup>1</sup> This report was referred to a second committee, which reported it back, August 16th following, with a mass of "facts and observations" sustaining its positions. This document covers forty pages of the printed journal, and is the best statement extant of the territorial rights of the States. It makes very prominent the fact that Massachusetts, Connecticut, New York, Virginia, and the two Carolinas and Georgia claimed to the Mississippi River. This was pleading the royal charters as modified by the treaty of 1763. But if His Majesty should reply that at the beginning of the war he, and not the colonies, was seized of the Western country, the American Commissioners could meet the claim with the argument that—

"The character in which he was so seized was that of king of the thirteen colonies collectively taken. Being stripped of this character, its [his] rights descended to the United States for the following reasons : (1) The United States are to be considered in many respects as one undivided independent nation, inheriting those rights which the King of Great Britain enjoyed as not appertaining to any one particular State, while he was what they are now, the superintending governor of the whole. (2) The King of Great Britain has been dethroned as King of the United States by the joint efforts of the whole. (3) The very country in question hath been conquered through the means of the common labors of the United States."<sup>2</sup>

Under the third specification the reference is, of course, to the conquest of George Rogers Clark.

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<sup>1</sup> The Secret Journals, III., 151 et seq.

<sup>2</sup> Ibid., 198, 199.

In these reports the charge that the from sea-to-sea charters were due to geographical ignorance is rebutted; the view that they sprang from a desire to hold the West against Spain is advanced;<sup>1</sup> and the theory that the proclamation of 1763 had worked a limitation of the colonies on the west is expressly set aside in favor of the theory held by Washington in 1767, viz., a temporary device for quieting the Indians. The stress laid on the chartered extension of certain States to the West becomes all the more significant when we remember that for several years some of the States, and particularly Maryland, had been denying that the West belonged to the claimant States at all. At the same time, the American commissioners were to plead *uti possidetis*, growing out of the Clark conquest of the country beyond the Ohio, if the appeal to the charters did not prove effectual.

The events that at last compelled England to treat for peace are not pertinent to the present inquiry. The year 1782 found her ready to treat; the final commission given to Mr. Oswald, her principal representative in the Paris discussions with the Americans, owing to the insistence of Mr. Jay, formally acknowledged the independence of the United States; and this acknowledgment became the point of departure for the later negotiation. But all this left many very difficult questions to be adjusted, such as the fisheries, compensation to Loyalists, and especially the boundaries.

The instructions given to John Adams by Congress, bearing date August 14, 1779, are the earliest authoritative statement of the territorial claims of the United States with which I am acquainted. Only disappointment came from Mr. Adams's mission to Europe at that time; but these instructions were

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<sup>1</sup> "Had the interval between those seas been precisely ascertained, it is not probable that the King of England would have divided the chartered boundaries now in question into more governments. For perhaps his principal object at that time was to acquire by that of occupancy which originated in this Western World, to wit, by charters, a title of the lands comprehended therein against foreign powers."—The Secret Journals, III, 177.

substantially those under which the commissioners acted in 1782. They claimed on the northeast the St. Johns River; on the north, the proclamation line of 1763 as far as the foot of Lake Nipissing, and beyond that point a straight line drawn to the source of the Mississippi; on the west, the Mississippi to parallel  $31^{\circ}$  north; on the south, the northern boundary of Florida as established in 1763; and on the east, the ocean. Mr. Adams was instructed "strongly to contend that the whole of the said countries and islands lying within the boundaries aforesaid . . . be yielded to the powers of the States to which they respectively belong," a clear outcropping of the federal idea; "but, notwithstanding the clear right of these States, and the importance of the object, yet they are so much influenced by the dictates of religion and humanity, and so desirous of complying with the earnest request of their allies, that if the line to be drawn from the mouth of the Lake Nipissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line between that point and the River Mississippi; provided the same shall in no part thereof be to the southward of latitude  $45^{\circ}$  north." Similarly, Mr. Adams was authorized to consent that the northeastern boundary be afterward adjusted by commissioners duly appointed for that purpose, if the St. Johns could not be obtained. The cession of Canada and Nova Scotia was declared "of the utmost importance to the peace and commerce of the United States, but it should not be made an ultimatum."<sup>1</sup>

Save the ocean and the St. Johns, these were the lines established by the French treaty and the royal proclamation of 1763. The line northwest of the St. Lawrence could be defended on the ground that the grant to the Plymouth Company was bounded north by the forty-fifth parallel in 1606, and by the forty-eighth parallel in 1620. The source of the

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<sup>1</sup> The Secret Journals, II, 225-228.

Mississippi had not been discovered in 1779, but it was supposed to be at least as far north as the Lake of the Woods. Had this supposition been correct, the Nipissing line would have excluded Great Britain from all the great lakes but Lake Superior; the real Nipissing line, however, would have left nearly the whole of that lake, with large parts of Michigan, Wisconsin, and Minnesota to that power. At the close of the Revolution the Mississippi was the natural, and, we may say, indispensable western boundary of the United States; next to independence, which was, in fact, already conceded, our extension to that river was the most important question involved in the negotiation, far transcending the St. Johns, compensation to the Loyalists, and even the fisheries. This was the question, whether the trustee commissioned twenty years before to transfer the West from the France of the Middle Ages to the free people who were making for humanity a new life in North America, should execute the commission.

On the British side the negotiation was opened by Mr. Oswald, under the direction of the Rockingham ministry; on the American side, by Dr. Franklin. The promptness with which the British Commissioner consented to all the boundaries of the Adams instructions appeared to show that the trustee was ready to transfer the West without objection. In fact, those boundaries were incorporated in the treaty draft sent to London as late as the early days of October. Nor is it probable that these lines would have been seriously objected to if the courts of Paris and Madrid had not meddled with the question. Before taking up that topic, however, attention must be drawn to another fact that strikingly illustrates the pliable temper of Mr. Oswald, as well as the yielding spirit of the Court of London in the first stage of the negotiations. Dr. Franklin actually proposed that the British Crown should cede the whole of Canada to the United States.<sup>1</sup>

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<sup>1</sup> "The territory of the United States and that of Canada, by long extended frontiers, touch each other. The settlers on the frontiers of the American prov-



This proposition was finally rejected on the one side, and dropped on the other, but for a time there seemed to be a probability that the cession would actually be made. Mr. Oswald certainly listened to it with favor, and he reported the British ministers, to whom he communicated the proposition, as not offering particular objection.

In previous chapters we have seen that in the sixteenth century Spain despised her grand opportunity to take possession of the Mississippi River, and that in the seventeenth she allowed it to pass quietly into the hands of France. At the close of the French and Indian war, the western half of the great valley, with the exclusive possession of the mouth of the river, passed into her hands; but this was only a partial recovery of what she had before lost, and was a compensation for Florida, that she was obliged to cede to England in exchange for Havana.

Responding to the pressing intercessions of France, and to the promptings of her own ambition, Spain declared war against England in June, 1779. In America she hoped to recover Florida and to strengthen her position on the Missis-

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inces are generally the most disorderly of the people, who, being far removed from the eye and control of their respective governments, are more bold in committing offences against neighbors and are forever occasioning complaints and furnishing matter for fresh differences between their States. . . .

"Britain possesses Canada. Her chief advantage from that possession consists in the trade for peltry. Her expenses in governing and defending that settlement must be considerable. It might be humiliating to her to give it up on the demand of America. Perhaps America will not demand it. Some of her political rulers may consider the fear of such a neighbor as a means of keeping the thirteen States more united among themselves and more attentive to military discipline. But, on the mind of the people in general, would it not have an excellent effect if Britain should voluntarily offer to give up this province; though on these conditions: That she shall in all times coming have and enjoy the right of free trade thither, unencumbered with any duties whatsoever; that so much of the vacant lands there shall be sold as will raise a sum sufficient to pay for the houses burnt by the British troops and their Indians, and also to indemnify the Royalists for the confiscation of their estates."—*Diplomatic Correspondence*, III., 388 et seq.

issippi. How thoroughly these projects had been thought out at that time may be questionable; but Spain was careful to demand in her engagement with France a stipulation that left her free to exact from the United States, "as the price of her friendship, a renunciation of every part of the basin of the St. Lawrence and the lakes, of the navigation of the Mississippi, and of all the land between that river and the Alleghanies."<sup>1</sup> Hoping to effect treaties with the Court of Madrid similar to those already effected with the Court of Paris, Congress despatched John Jay as an envoy at the end of the year 1779, authorizing him to guarantee to His Catholic Majesty, Florida, East and West, if he should conquer it and the fortunes of war should leave it in his hands at the peace: "Provided always, that the United States shall enjoy the free navigation of the River Mississippi into and from the sea." He was also particularly to endeavor to obtain some convenient port or ports below the thirty-first degree of north latitude on the Mississippi for all merchant-vessels, goods, wares, and merchandises belonging to the inhabitants of the United States.<sup>2</sup> The free navigation of the Mississippi was already a practical question. In 1779 both Pennsylvania and Virginia had considerable populations west of the mountains; settlements were springing up in the valleys of the Holston and the Kentucky, while Louisville dates from the George Rogers Clark expedition; and there were the old French settlements on the Wabash and in the Illinois that had always enjoyed the free use of the great river. By that time, too, there were several American merchants in New Orleans—men from Boston, New York, and Philadelphia; and these merchants, in the years 1776-78, with the consent of the Spanish governor, shipped arms and munitions up the Mississippi and Ohio to Pittsburg. Plainly, therefore, Congress was simply doing its duty in looking out for the interests of the scattered settle-

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<sup>1</sup> Bancroft: History, VI., 183. Boston, 1879.

<sup>2</sup> The Secret Journals, II., 261 et seq.

ments beyond the mountains. But the Spanish Court would not listen to the overture, nor receive Mr. Jay as an accredited envoy. The reasons that controlled its conduct are a material part of this chapter of Western history.

First, the war was proving to be much more protracted and more costly than France and Spain had anticipated ; and at the opening of 1780 they desired nothing so much as a speedy peace, provided measurably satisfactory terms could be made. This desire led France to wish a full alliance between the United States and Spain, since such an alliance would lead to a more vigorous prosecution of the war while it lasted ; and it would no doubt have had the same effect upon Spain, but for her dread of everything that touched, or seemed to touch, her own interests on the Mississippi. France therefore began to exert a steady pressure upon Congress, to induce that body to recede from its demand for the free navigation of the river, and Congress, yielding to the pressure and to the depression of feeling produced by the wasting continuance of the war, withdrew, February 15, 1781, the offensive ultimatum. Moreover, the French representatives at Philadelphia, first Gerard and afterward Luzerne, told Congress repeatedly that the United States had no valid claim to the country west of the king's line of 1763. One object of the French ministers in insisting upon this boundary was, as we shall soon see, to keep the United States out of the way of Spain in the Western country, and another object was to keep the conditions of peace on the part of the United States within narrow limits.

But this modification of Mr. Jay's instructions, made contrary to his advice, wholly failed to accomplish its object. At first Count Florida Blanca, the Spanish Prime Minister, had tacitly consented to the Mississippi as our western boundary ; but, now that the other obstacle to a treaty was out of the way, he held that such a westward extension was altogether inadmissible. The fact is, the Clark conquest of the Northwest, the spread of Western settlements, and the stay-

ing power that the States were showing in the war, were revealing to the Spanish Court the fact that an Anglo-American republic, stretching down the Atlantic slope from Nova Scotia to Florida and spreading over the Alleghanies to the great lakes and the great river, meant a future menace to His Catholic Majesty's North American dominions; and the annexation of Louisiana, Florida, Texas, and portions of Mexico to the United States show how well grounded these fears were. Spain had always striven to exclude all rival powers from the Gulf of Mexico; she expected to regain Florida and the practical control of the Gulf at the peace; and to allow the United States to extend westward to the river and southward to parallel  $31^{\circ}$  seemed little less than abandoning her dearest American interests. At that time, too, Spain was the greatest colonial empire of the world; and it was no more the business of her king to offer a premium on colonial revolutions than it was the business of Francis of Austria to foster rebellion.

In the third place, Galvez, the gallant young Governor of Louisiana, had captured and was holding possession of the British posts on the Gulf and the Mississippi: Pensacola, Mobile, Baton Rouge, and Natchez. These conquests had dazzled the Spanish imagination, opening up new possibilities of territorial expansion in the vast region west of the Appalachian Mountains, including, perhaps, a complete retrieval of the great blunder of one hundred years before. Now that West Florida was in her hands, she remembered its ancient extension northward. Her ambition growing with what it fed on, Spain now conceived the thought of laying claim to the whole West, as far as the lakes. To lay the foundation for such claim, the Spanish commandant at St. Louis, in the dead of the winter of 1780-81, sent an expedition into the very heart of the Northwest, to seize the post of St. Joseph, established by La Salle in 1679, just after he had sent back the Griffin from Green Bay. This expedition was completely successful; Don Eugenio Purre, the commander, seized the post, captur-

ing the garrison, and took formal possession of the region commanded by it, and of the Illinois River, displaying the Spanish standard in token of conquest and carrying off the English colors as a Spanish title-deed. News of this exploit reached Philadelphia by way of Madrid and Paris in the Spring of 1782, accompanied by this message from Mr. Jay to Mr. Livingston: "When you consider the ostensible object of this expedition, the distance of it, the formalities with which the place, the country, and the river were taken possession of in the name of His Catholic Majesty, I am persuaded it will not be necessary for me to swell this letter with remarks that would occur to a reader of far less penetration than yourself."<sup>1</sup> Dr. Franklin also saw in the expedition a purpose to "coop up" the United States between the Alleghanies and the sea, and he demanded that Congress should insist upon the Mississippi as a western boundary, and upon its free navigation from its source to the ocean. Nor can there be any doubt that the Illinois towns would have been seized and held by the Spaniards, if they had not already passed into the custody of the Virginia troops. While this Northwestern expedition did not occur in time to influence the discussions with Mr. Jay at Madrid, it is still a material part of the history as a whole, and it strikingly illustrates the Spanish policy.

Mr. Jay wholly failed to accomplish the object for which he was sent to Madrid; but he acquired a knowledge of Spanish purposes, and had an experience of Spanish character, that enabled him to render his country invaluable service at Paris as one of the commissioners who negotiated the treaty of peace with Great Britain.

As Mr. Jay was leaving Madrid for Paris, in the early summer of 1782, Count Florida Blanca told him that the Count de Aranda, the Spanish ambassador at the French Court, was authorized to continue the discussion of a treaty

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<sup>1</sup> Diplomatic Correspondence, VIII., 78.

between Spain and the United States. In due time, Jay put himself in communication with the Count; but as the Spaniard would never show his full powers, and the American would not treat without seeing them, their frequent conferences were all informal and non-official. However, in these conferences the Spanish diplomatist fully disclosed the ideas of his government touching the Western country.

Having drawn from Mr. Jay the statement that the United States claimed on the south to the proclamation line of 1763, and on the west to the middle of the Mississippi, the Count replied: That the Western country had never belonged to the ancient English colonies, or been claimed by them; that, previous to the Treaty of Paris, the West had belonged to France, and that it continued, after that treaty, a distinct part of the British dominions; that, in consequence of Spanish conquests in West Florida and on the Mississippi and Illinois Rivers, the title had become vested in Spain; and that, supposing the Spanish right did not cover *all* the country, it was possessed by nations of Indians, free and independent, whom the States had no right to disturb. He therefore proposed a longitudinal line on the east side of the river as a boundary between Spain and the United States, adding that he did not mean to dispute about a few acres or miles. What De Aranda's "longitudinal line" was he afterward made plain, by drawing a red line on a copy of Mitchell's map "from a lake near the confines of Georgia, but east of the Flint River, to the confluence of the Kanawha with the Ohio; thence round the western shores of Lake Erie and Huron; and thence round Lake Michigan to Lake Superior."<sup>1</sup> West and south of this line Spain should hold; east, the United States; while north of the lakes the United States might make such terms with Great Britain as she could. Here we may drop the so-called negotiation with Spain, with the remark that until the year 1795 the Missis-

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<sup>1</sup> Diplomatic Correspondence, VIII., 150-152.

Mississippi River remained an insuperable obstacle in the way of an American treaty with that power.

The Spanish claim to the West was dangerous mainly because, in a modified form, it was supported by France. When Dr. Franklin and Mr. Jay pointed out to the Count de Vergennes, the French Minister for Foreign Affairs, the extravagance of De Aranda's claim, the Count was "very cautious and reserved;" but M. Rayneval, his principal secretary, who was present, was talkative, and expressed the opinion that the Americans claimed more than they had a right to. Soon after, Rayneval suggested to Mr. Jay a "conciliatory line;" and in a memoir dated September 6th he explained at length what he meant by it. In this paper the secretary stated the conflicting United States and Spanish claims, and then urged that the one had no support in colonial history, and that the other was not justified by the Spanish conquests. His conciliatory line he drew from a point on the Gulf midway between the Chattahoochee and the Mobile, nearly due north to the Cumberland River, and then down the Cumberland to the Ohio. The savages west of this limit should be free, under the protection of Spain; those east should be free, under the protection of the United States. Spain would lose almost the whole course of the Ohio; America would retain her settlements on that river, and have a large space in which to plant new ones. Spain had no claim to the lands north of the Ohio; "their fate must be regulated with the Court of London." The navigation of the Mississippi would be controlled by the power owning its banks.<sup>1</sup>

Mr. Jay very naturally concluded that the Count de Vergennes was the real author of this scheme. He concluded, also, that in case the American Commissioners would not consent to it, then France would aid Spain in a negotiation to divide the West with England. It is now well known that such was, in substance, the programme of the two counts.

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<sup>1</sup> *Diplomatic Correspondence*, VIII., 156 et seq.



**BOUNDARIES**

OF THE  
**UNITED STATES, CANADA, AND  
THE SPANISH POSSESSIONS.**

ACCORDING TO THE PROPOSAL OF THE COURT  
OF FRANCE, IN 1782.

- UNITED STATES .....
- ENGLISH .....
- SPANISH .....

Uncolored, Indian Territory, under Span-  
ish or American protection, according as it  
lies East or West of the green intersect-  
ing line.





As a first step toward carrying it out, M. Rayneval was sent on a secret mission to England, where he informed Lord Shelburne that his chief would not support the Americans in several of their claims, as the fisheries and the Mississippi.

The destiny of the West had thus become a European question involving the three powers, all of which had interests of their own to look after in both worlds. England would naturally make the best terms that she could with her enemies, one and all; more specifically, she would obtain whatever advantage she could in the negotiations with the Americans from the jealousies of the two other powers. Spain was resolved on the recovery of Gibraltar as well as of Florida, and France was committed to her support. France had not entered into alliance with America from love of the American cause, but from hatred of England; and now that a rival power to England had been raised up on the shores of the New World, Vergennes was apprehensive that power would become so strong as to feel wholly independent of France. He was, indeed, committed irrevocably to the independence of the United States so far as England was concerned; but he was also determined that their independence should not be finally settled until a general peace had been arrived at. Possibly the country beyond the Alleghany Mountains could be traded off for Gibraltar, or be balanced against some other make-weight in the diplomatic scale. Fortunately, for his purpose, the treaty of 1778 bound the United States not to conclude a peace with England until France should also conclude one; and, as early as June, 1781, he had induced Congress to instruct the commissioners who were to negotiate with England "to make the most candid and confidential communications upon all subjects to the ministers of our generous ally the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence, and to make them sensible how much we rely upon His Majesty's influence for effectual support in every-

thing that may be necessary to the present security or future prosperity of the United States.”<sup>1</sup>

Such, in brief, was the diplomatic situation in Paris when the American negotiation entered on its second stage. In this tremendous game of politics, the fate of the West seemed to hang on issues wholly beyond the control of the American Commissioners. No more critical or anxious moment can be found in the whole history of our diplomacy. Determined, if possible, to keep their country from becoming the football of the three powers, the commissioners resolved, in disregard of their instructions,<sup>2</sup> to propose to the British Cabinet a negotiation to be conducted without the knowledge of the French ministers. Lord Shelburne, now Prime Minister, for reasons of state that are here immaterial, promptly accepted this overture, and the negotiation took a new departure.

Owing to important successes of the British arms in the West Indies and at Gibraltar, and to the discovery of a want of good understanding between America and France, the British ministers now held a firmer tone than in the first negotiation. The determination of the ministers to obtain a compensation for the British refugees whose property had been confiscated by the States became the occasion for reopening the question of boundaries in the Northeast, the West, and the Northwest. Mr. Strachey was sent over the Channel to assist Mr. Oswald in retreating from some of his concessions; and Lord Fitzmaurice tells us that his instructions were :

“To urge the claims of England, under the proclamation of 1763, to the lands between the Mississippi and the Western boundary of the States, and to bring forward the French boun-

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<sup>1</sup> The Secret Journals, II., 435.

<sup>2</sup> Mr. Lyman, *Diplomacy of the United States*, I., 121, note, relates the following anecdote, which he says he has from a direct source. Dr. Franklin, one day sitting, during the discussion of the question of instructions, in Mr. Jay's room at Paris, said to that gentleman, “Will you break your instructions?” “Yes,” replied Mr. Jay, who was smoking a pipe, “as I break this pipe;” and immediately threw it into the fire.

dary of Canada, which was more extensive at some points than that of the proclamation of 1763. He was to urge these claims, and the right of the King to the ungranted domain, not indeed for their own sake, but in order to gain some compensation for the refugees, either by a direct cession of territory in their favor, or by engaging the half, or some proportion of what the back lands might produce when sold, or a sum mortgaged on those lands ; or by the grant of a favorable boundary of Nova Scotia, extending, if possible, so as to include the province of Maine ; or, if that could not be obtained, the province of Sagadahock, or, at the very least, Penobscot."

Lord Shelburne urged the same view, in a strong despatch to Oswald.

"As a resource to meet the demands of the refugees the matter of the boundaries and back lands presents itself. Independent of all the nonsense of charters, I mean, when they talk of extending as far as the sun sets, the soil is, and has always been acknowledged to be the King's. For the good of America, whatever the government may be, new provinces must be erected on those back lands and down the Mississippi ; and supposing them to be sold, what can be so reasonable as that part of the province, where the King's property alone is in question, should be applied to furnish subsistence to those, whom for the sake of peace he can never consistently with his honor entirely abandon."

This was a very different view from the one that Oswald had held when he declined "any attempt at asserting the claims of the English Crown over the ungranted domains, deeming that no real distinction could be drawn between them and other sovereign rights which were necessarily to be ceded."

It is impossible to say much about the Western boundary discussions, because we know next to nothing about them.

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<sup>1</sup> Life of Earl Shelburne, III., 281, 282.

<sup>2</sup> Ibid., III., 284.

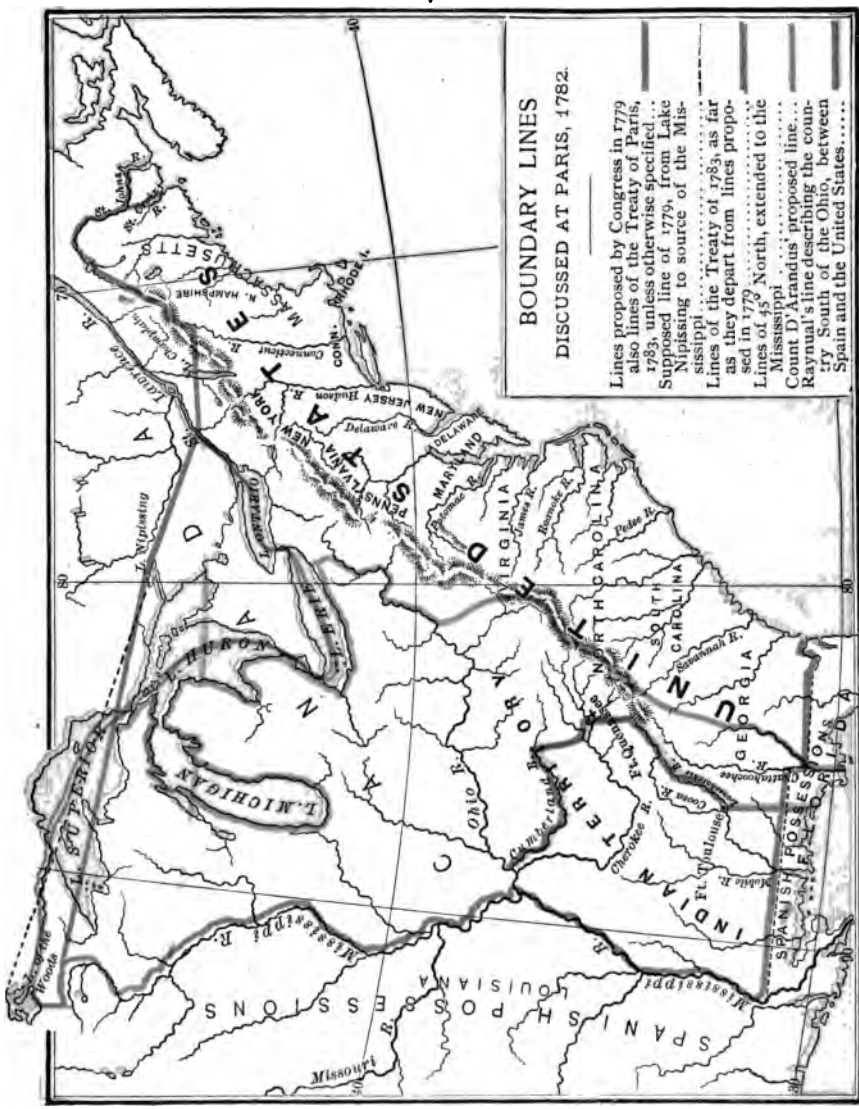
Other controversies at Paris, far less important, were reported much more fully; but here the information that we possess only piques our curiosity. The right to fish on the banks of Newfoundland was thought more valuable in 1782 than the ownership of the valleys of Ohio, the prairies of Illinois, and the forests of Michigan. What would we not give for a full review of the whole subject from the pen that wrote the "Canada Pamphlet," and the "Reply to Hillsborough?"

The Mississippi was finally conceded by the British Cabinet. Still, this concession left unanswered the question where the northern boundary should strike the Mississippi. Writing to Minister Townsend, November 8th, Mr. Strachey says: "I despatch the boundary line originally sent to you by Mr. Oswald, and two other lines proposed by the American Commissioners after my arrival at Paris. Either of these you are to choose. They are both better than the original line, as well in respect to Canada as to Nova Scotia."<sup>1</sup> Mr. Adams tells us that one of these lines was the forty-fifth parallel, northwest of the St. Lawrence, and the other the line of the middle of the lakes. Most fortunately for us, the British ministers, owing, no doubt, to their desire to give Canada frontage on the four lakes, and to a preference for a water boundary, chose that line which left the Northwest intact. Had the forty-fifth parallel become the boundary, nearly one-half of Lakes Huron and Michigan, and of the States of Michigan and Wisconsin, and part of Minnesota, would have fallen to Great Britain. Writing to Robert R. Livingston, the American Secretary for Foreign Affairs, the commissioners say: "Congress will observe, that although our northern line is in a certain part below the latitude of forty-five, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us."<sup>2</sup> If the com-

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<sup>1</sup> Fitzmaurice: *Life of Earl Shelburne*, III., 295.

<sup>2</sup> *Diplomatic Correspondence*, X., 118.



# BOUNDARY LINES DISCUSSED AT PARIS, 1782.

Lines proposed by Congress in 1779  
also lines of the Treaty of Paris,  
1783, unless otherwise specified...  
Supposed line of 1779, from Lake  
Nipissing to source of the Mis-  
sissippi  
Lines of the Treaty of 1783, as far  
as they depart from lines propo-  
sed in 1779  
Lines of 45° North, extended to the  
Mississippi  
Count D'Arandus' proposed line...  
Raynual's line describing the coun-  
try South of the Ohio, between  
Spain and the United States.....



missioners had understood Northwestern geography better, to say nothing of the then unknown resources of Lake Superior, they would have stated the argument with even greater strength.

To close the war that began on Lexington Green, April 19, 1775, three separate treaties were necessary. France and the United States conducted simultaneous negotiations with different English commissioners, the understanding being that the preliminaries should be signed the same day. On November 29th Dr. Franklin wrote to M. de Vergennes that the American articles were already agreed upon, and that he hoped to lay a copy of them before his Excellency the next day. Except a single secret article, they were duly communicated; but, to the astonishment and mortification of the Count, they were already signed, and therefore binding, as far as the commissioners could make them so. The game for despoiling the young Republic of one-half her territorial heritage was effectually blocked. Vergennes bitterly reproached Franklin for the course that he and his associates had followed, and Franklin replied, making such defence as he could, admitting no more than that a point of *bienséance* had been neglected. The American Congress and Secretary for Foreign Affairs at first were also disposed to blame the commissioners; but so anxious was the country for peace and so much more favorable were the terms obtained than had been expected, that murmurs of dissatisfaction soon gave place to acclaims of gratification and delight. The preamble to the treaty contained the saving clause that it should not go into effect until France and England came to an understanding, a fact that the astute Franklin did not fail to press upon the attention of the irate Vergennes. However, that condition was soon fulfilled, and a general peace assured.

The definitive treaty of peace between the United States and England, which is merely the preliminary treaty over again, with the exception of the secret article to be noticed in the note at the end of this chapter, was signed September 3,



1783. His Britannic Majesty acknowledged the United States to be free, sovereign, and independent States, and relinquished for himself, his heirs, and successors "all claim to the government, propriety, and territorial right of the same and every part thereof;" assigning them boundaries that have proved to be more satisfactory than those proposed by Congress in 1779 could have been. It was a treaty of partition of the British Empire, and of the English-speaking world. At the time, British statesmen generally dreaded its effect on the Mother Country, but time has proved it a godsend to her as well as to America.

The happy issue of this negotiation was very largely due to William, Earl of Shelburne, afterward first Marquis of Lansdowne. Both as Secretary for the Colonies in the Rockingham Cabinet, and as Prime Minister, he was governed by the sentiment that he thus expressed: "Reconciliation with America on the noblest terms by the noblest means." Had the negotiation remained open at the downfall of his ministry, which was largely the result of the liberal terms that he gave the Americans, and so passed into the hands of the Fox-North coalition, no one can tell what the fate of the West would have been.

It is impossible nicely to divide among Dr. Franklin, Mr. Adams, and Mr. Jay, the honor of saving the West to their country. On that issue, Mr. Adams was unquestionably firm. A tradition has floated down the stream of diplomacy to the effect that Dr. Franklin was indifferent, or at least disposed to yield; but we have Mr. Jay's express testimony to the contrary,<sup>1</sup> to say nothing of the improbability of the Doctor's taking such a course, in view of his Western record as set forth in a previous chapter. However, the man who goes through the original documents, including the discussions at Madrid as well as those at Paris, will be pretty certain to conclude that the old Northwest has greater reason for gratitude to John Jay than to either of his colleagues.

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<sup>1</sup> Sparks: Works of Franklin, X., 8.

It is not easy to tell what were the decisive arguments in this Western controversy. It is often said, and particularly by Western writers, that the issue turned mainly on the George Rogers Clark conquest. This view rests on tradition rather than on historical evidence, and I venture the opinion that it is largely erroneous. No man, at least, can read the reports on the national boundaries submitted to Congress without seeing that far more reliance was laid, by the committees that prepared them, on the colonial charters than on Clark's great achievement. The report of August 16, 1782, urges the argument: "The very country in question hath been conquered through the means of the common labors of the United States;" "for a considerable distance beyond the Alleghany Mountains, and particularly on the Ohio, American citizens are actually settled at this day"—"fencible men," not "behind any of their fellow-citizens in the struggle for liberty," who will be thrown back within the power of Great Britain if the Western territory is surrendered to her; but the same report contains page after page of arguments based on the charters and on colonial history. It was indeed most fortunate that the Virginia troops were in possession of the Illinois and the Wabash at the close of the war, but there is no reason to think that the Clark conquest, separate and apart from the colonial titles, ever would have given the United States the Great West. Writing to Secretary Livingston, the American Commissioners give color to the idea that the decision turned on the charters and not on the conquest. They say the Court of Great Britain "claimed not only all the lands in the Western country and on the Mississippi, which were not expressly included in our charters and governments, but also all such lands within them as remained ungranted by the King of Great Britain." "It would be endless," they add, "to enumerate all the discussions and arguments on the subject."<sup>1</sup> It is highly probable that the British ministry, see-

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<sup>1</sup> Diplomatic Correspondence, X., 117.

ing that the West would go to Spain if not to the United States, preferred to give it the latter direction. Moreover, the Clark conquest was much more potent in keeping the West from falling into the hands of Spain than in wresting it from the hands of England.

The refusal of England to surrender so much of the Northwest as remained in her hands at the close of the war is a very striking proof of the reluctance with which she consented to the Northwestern boundaries. In July, 1783, Washington sent Baron Steuben to General Haldiman, British commander in Canada, with a commission to receive possession of Oswego, Niagara, Detroit, Mackinaw, and the minor posts; but Haldiman made reply that he had not received instructions for their surrender, and that he could not even discuss the subject with him. At the time there was no reason for retaining the posts consistent with national good faith; afterward the British Government alleged as a reason the non-fulfilment by this country of certain stipulations of the treaty of peace. For thirteen years the Northwestern posts were sharp thorns in the sides of the United States. The Revolution was followed by a harassing Indian war that, in reality, never ceased until Wayne's victory of the Fallen Timbers, in 1794; and from its first day to its last the savages found always sympathy, and often active support, at the British garrisons. British officers, audaciously invading territory which they did not hold at the end of the war, built Fort Miami at the rapids of the Maumee, where Perrysburg, O., now stands. General Wayne pursued the Indians under the very muzzles of the cannon of this fortification, and laid waste the surrounding country to its gates. The Indian war and the British occupation, that had been so closely connected, virtually ceased at the same time. In 1795, Wayne negotiated with the Indians the Treaty of Greenville, and, the year before, Jay negotiated with the British Government the treaty that bears his name, by which England bound herself to yield possession of the posts that she should have yielded in

1783. On July 11, 1796, a detachment from Wayne's army raised the stars and stripes above the stockade and village of Detroit, where the French and British colors had successively waved, and this act completed the tardy transfer of the old Northwest to the United States. No doubt England had some reason to complain of the United States for the imperfect fulfilment of the treaty of 1783; but her retention of the posts, so calamitous in results to the growing Western settlements, was largely due to a lingering hope that the young republic would prove a failure, and to a determination to share the expected spoil. The fact is, neither England nor Spain regarded the Treaty of Paris as finally settling the destiny of the country west of the mountains.

It is not improbable that the War of 1812, for a time, revived English hopes of again recovering the Northwest. Tecumseh strove to erect his "dam" to resist "the mighty water ready to overflow his people." Hull's surrender placed all Michigan in British hands. General Proctor sought to compel the citizens of Detroit to take the oath of allegiance to the King of England; and although Harrison's successes on the Maumee and Perry's victory on Lake Erie forced Proctor to evacuate Detroit, a British garrison continued to hold Mackinaw to the close of the war. Only three of the thirty-two years lying between 1783 and 1815 were years of war; but for one-half of the whole time the British flag was flying on the American side of the boundary-line. In the largest sense, therefore, the destiny of the Northwest was not assured until the Treaty of Ghent.

The Iroquois called themselves the owners of the lands northwest of the Ohio; the Indians living on those lands they considered simply as occupants or tenants. It is obvious that the tenants valued them much more highly than the owners. The long wars that the Western Indians waged for Ohio tell the story of their affection for their homes. The same wars also tell at what fearful cost the American frontier was extended west of the Alleghany Mountains. From the defeat

of Braddock, in 1755, onward to Wayne's Treaty, in 1795, with a few short intermissions, that frontier was undergoing a constant baptism of fire and blood.

The original United States were bounded on the north by Great Britain, on the west and south by Spain, and on the east by the Ocean—the last named being the only neighbor with whom we never had any trouble. One of the most striking evidences of the value of this domain, and of its admirable position, is the remarkable growth of the United States. An area of eight hundred and twenty-seven thousand square miles has become an area of three million six hundred thousand. Parallel thirty-one degrees north and the Mississippi have given place, as boundaries, to the Gulf of Mexico, the Rio Grande, and the Pacific Ocean. Our marvellous territorial expansion and material development westward discourage prophecy; but, at this time, it does not seem probable that the territory wrested from England will soon, if ever, cease to be the most valuable part of our whole national domain, described by Mr. Gladstone as “a natural base for the greatest continuous empire ever established by man.”

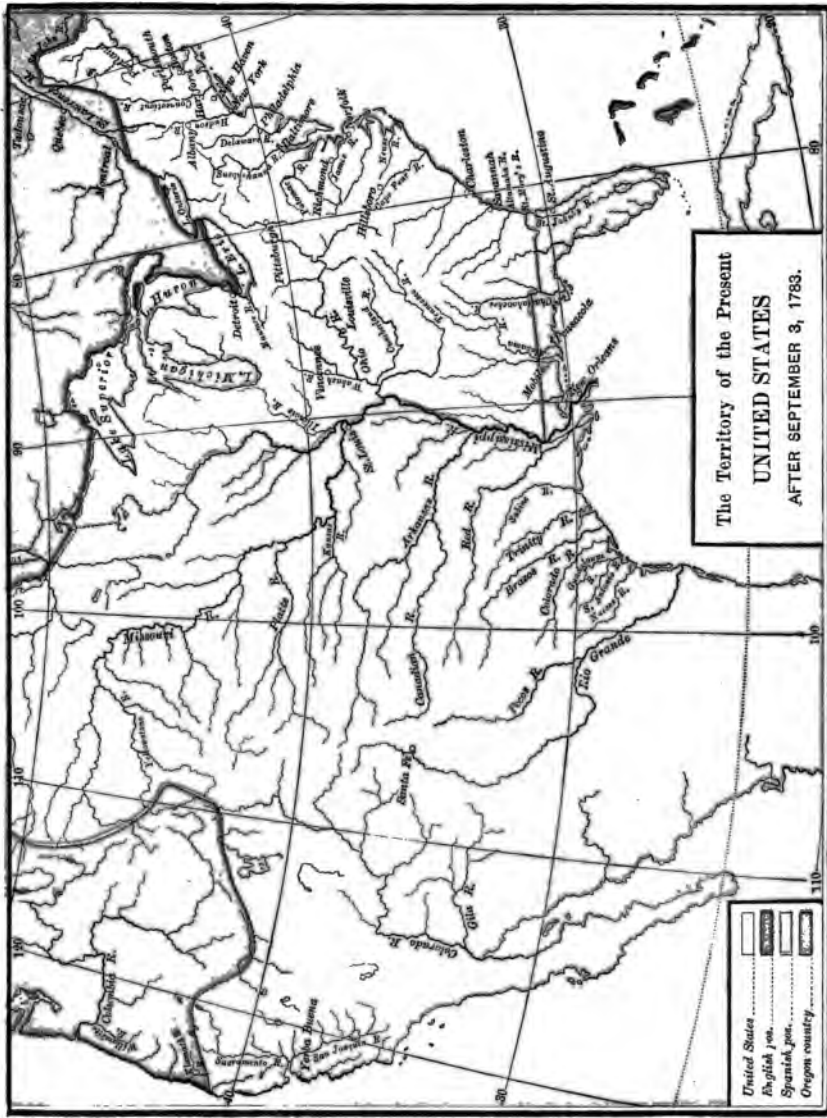
The man curious about “what might have been” cannot help speculating on the course of history provided any one of the limitation-schemes proposed at Paris had prevailed. As he reflects on the facts of geography, on the strength and audacity of American civilization, on the weakness of Spanish America and of Spain herself, and on the feeble Canadian settlements in 1783, he may conclude that the eastern half of the Mississippi Valley and the Atlantic Plain would have been reunited even if once separated; that the idea of separation, supported in some form by the three powers, was against Nature; that Spain, in particular, lost her only opportunity to control the Father of Waters in the sixteenth and seventeenth centuries, and that the great valley of the West was the predestined field of Anglo-Saxon institutions and life. There is undeniable force in this reasoning; perhaps it is al-

together conclusive. At the same time, the proposed limitation might have turned American events into wholly different channels. What if the Confederacy had fallen to pieces? What if the Constitution of 1787 had never been framed or ratified? What if the United States had become dependent upon one of the European powers? In any one of these events, the world would never have seen that magnificent growth which has absorbed territories four times as great as that bounded by the treaty of 1783, and which furnishes the main argument for the conclusion, "It would have made little difference." The longer one considers the subject, the less will he be disposed to think that the delivery of the West by the trustee appointed in 1763 was a foregone conclusion; the more will he think the retention of the Northwest by Great Britain would have been a much more serious mischance than the gaining of the Southwest by Spain; and the more reason will he discover for congratulation that the logic of events gave us our proper boundaries at the close of the War of Independence, and did not leave us to succumb to untoward fate or to renew the struggle with two European powers instead of one in after years.

NOTE.—Article 2 of the Treaty of Paris reads thus: "And that all disputes which might arise in future on the subject of the boundaries of the United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, namely: From the northwest angle of Nova Scotia, namely, that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the said Highlands, which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence, by a line due west on the said latitude, until it strikes the River Iroquois or Cataraquy [that is, the St. Lawrence]; thence along the middle of said river into Lake Ontario, through the middle of said lake

until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Appalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia, on the one part, and East Florida, on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia."

The fullest report of the discussion of the Western question, at Paris, found in any contemporary State paper, is in the letter that the Commissioners wrote to Mr. Livingston, July 18, 1783,



The Territory of the Present  
UNITED STATES  
AFTER SEPTEMBER 3, 1783.

United States .....  
English pos. ....  
Spanish pos. ....  
Oregon country .....





in reply to his censure "for signing the treaty without communicating it to the Court of Versailles till after the signature, and in concealing the separate article from it even when signed." The preceding narrative is sufficiently full touching the reasons for secrecy, but a few remarks may properly be added concerning the secret article, which was in these words: "It is hereby understood and agreed that in case Great Britain, at the conclusion of the present war, shall recover or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the River Yazoo where it unites with the Mississippi due east to the River Appalachicola." This line was the northern boundary of West Florida as established in 1764. At the time of the negotiation this province was in the possession of the Spanish troops, and it was a question what disposition would be made of it at the general peace. The Commissioners show very plainly that this question materially affected the whole Western negotiation. Mr. Oswald, wishing to cover as much of the eastern shores of the Mississippi with British claims as possible, had much to say of "the ancient boundaries" of Canada and Louisiana; and the British Court, expecting to regain the Floridas, "seemed desirous of annexing as much territory to them as possible, even up to the mouth of the Ohio."

Oswald avowed the desire to render the British countries on the gulf large enough "to be worth keeping and protecting," and also to gain a convenient retreat for the Tories; but he finally consented to yield to the United States the country north of the Yazoo line, if the Commissioners would yield to England south of that line. Hence it will be seen that the secret article was a bargain between the parties. At the same time the Commissioners say: "We were of opinion that the country in conquest was of great value, both on account of its natural fertility and of its position, it being, in our opinion, the interest of America to extend as far down toward the mouth of the Mississippi as we possibly could."<sup>1</sup>

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<sup>1</sup> Diplomatic Correspondence, X., 187 et seq.

This boundary-description flows smooth, but it is doubtful if the same number of words in a treaty ever concealed more seeds of controversy. To draw boundary-lines on paper is one thing; to go upon the ground where they are supposed to fall, with instruments to run and mark them, is quite another, as the high contracting parties in this case found to their cost the moment an attempt was made to transfer the treaty-lines to the surface of the earth. No doubt the diplomatists at Paris used the language in good faith; but their lines had to be drawn, not only on paper, but also through vast wildernesses uninhabited and unexplored, and some of the lines, naturally, were found impracticable. In part, however, the disputes that arose had other sources than ignorance of geography. Serious doubts having arisen as to the practicability of reaching the Mississippi by a due west line from the northwesternmost point of the Lake of the Woods, Jay's Treaty provided that measures should be taken in concert to survey the Upper Mississippi, and that, in case the due-west line was found impracticable, the "two powers would thereupon proceed by amicable negotiation to regulate the boundary in that quarter," etc. I have found no trace of such a survey being made, and the boundary was not fixed for more than twenty years thereafter.<sup>1</sup>

A convention was signed, May 12, 1803, by the representatives of the two powers, which contained arrangements for determining the boundary from the Lake of the Woods to the Mississippi. But at the same time that Rufus King was negotiating this treaty in London with Lord Hawkesbury, Messrs. Livingston and Monroe were negotiating a much more familiar one in Paris with the ministers of the First Consul. This was the treaty for the cession of Louisiana to the United States, signed April 30, 1803. When the London treaty came before the Senate, the argument was made that the Louisiana cession would affect the line from the Lake of the Woods to the Mississippi River; the Senate accordingly struck out the article, which the

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<sup>1</sup> The best maps of the period put down the course of the river above the forty-fifth parallel as "the Mississippi by conjecture." McMaster: *History of the People of the United States*, II, 153.

British Government resented, and so the whole treaty fell. By the purchase of 1803 we succeeded to all the rights, as respects Louisiana, that had belonged to Spain or France, and this carried us, west of the Mississippi, north to the British possessions. By a convention dated October 20, 1818, the United States and England settled the Lake of the Woods controversy, and established the boundary between them to the Rocky Mountains.

"It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains."

This extract, together with the facts of geography, explains the singular projection of our northern boundary on the west side of the Lake of the Woods, which first appeared on ordinary maps some ten years ago.

The line from the intersection of the St. Lawrence and parallel  $45^{\circ}$  north to the foot of the St. Marys was established in 1823, by joint commission under the Treaty of Ghent; the line from the foot of the St. Marys to the northwesternmost point of Lake of the Woods, by the Webster-Ashburton Treaty in 1842.

## XI.

### THE NORTHWESTERN LAND-CLAIMS.

THE second part of the chapter devoted to the territorial questions growing out of the royal patents and charters closed with a promise to consider, in the proper place, the similar question affecting the old Northwest. In fact, the only reason for introducing the charters at all is their bearing on Western questions. Accordingly, this chapter will be given to a statement of the Western land-claims; the two following chapters, to their settlement. Unfortunately, the discussion of the whole subject is often colored by State feeling or by patriotism. Connecticut writers are apt to stand for the Connecticut claim, New York writers for the New York claim, while Virginians pride themselves on Virginia's being the mother of States as well as of statesmen. Again, Western men, little disposed to admit that the Northwestern States were the children of the Atlantic commonwealths, and fond of looking at the subject from a national point of view, tend either to belittle or to deny the titles of the claimant States to the Western lands.

In her constitution of 1776, Virginia ceded, released, and forever confirmed to the people of Maryland, Pennsylvania, and North and South Carolina, the territories contained within their charters, so far as they were embraced in her charter of 1609, with all the rights of property, jurisdiction, and government, and all other rights that had ever been claimed by Virginia, except the navigation of certain rivers; after which she said :

"The western and northern extent of Virginia shall, in all other respects, stand as fixed by the charter of King James I., in the year one thousand six hundred and nine, and the public treaty of peace between the Courts of Britain and France, in the year one thousand seven hundred and sixty-three; unless, by act of this Legislature, one or more governments be established westward of the Alleghany Mountains. And no purchases of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly."

This declaration meant, that Virginia claimed the whole Northwest as falling within her west and northwest lines. The claim has been often denied by historians, statesmen, lawyers, and pamphleteers, on grounds that will be stated as concisely as is consistent with clearness.

Probably no bolder or stronger denial was ever made than that of Hon. Samuel F. Vinton, of counsel for the defendants in the case of *Virginia vs. Peter M. Garner and others*,<sup>1</sup> before the General Court of Virginia, in December, 1845. The legal question involved was that of the boundary between the States of Virginia and Ohio. In the course of his argument to the court Mr. Vinton affirmed the following historical propositions:

(1) "That Virginia, during the War of the Revolution, set up a claim to the country beyond the Ohio;" (2) "that she never had a valid title to it;" (3) "that her title, not only to it, but to both sides of the Ohio, was disputed by the Con-

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<sup>1</sup> Garner and the other defendants, citizens of Ohio, were seized by a party of Virginians, between low-water and high-water mark, on the north side of the Ohio River, in the act of assisting some slaves belonging to one Harwood, a Virginian, to escape from slavery. The case went up from Wood County to the General Court on a special verdict, the question being whether the defendants were, at the time of meeting and assisting the slaves, within the jurisdiction of Virginia or of Ohio. The case is reported at length in Grattan, *Reports of Cases decided in the Supreme Court of Appeals and in the General Court of Virginia*, III, 655. Mr. Vinton's argument was published in pamphlet, *Marietta, O.*, 1846; and it is also found in the *Second Annual Report of the Ohio State Fish Commission*, 1877.

federacy, and by other States ;" (4) "that they claimed all that she asserted a right to ;" (5) "that, in the end, she adjusted her claim by compromise ;" (6) "that she relinquished her claim beyond the Ohio with the express understanding that the acceptance of her act of cession was not to be taken as an admission by the Confederacy (who was the grantee) that Virginia had a title to the country ceded by her ;" (7) "that the separate and acknowledged right of Virginia to the country on the lower, and of the Confederacy to that on the upper, bank of the Ohio, began with this compromise."

From these propositions Mr. Vinton deduced others of a legal nature that do not here concern us.

These seven propositions may all be reduced to two, for convenience. The first of these, the absolute denial of the charter-title, is supported by this chain of reasoning: (1) The Virginia grant of 1609 was made in total ignorance of the extent of the continent and of the grant sought to be conveyed ; (2) the English king at that time had no right or title to the lands included within the limits beyond the Atlantic slope ; (3) the charter was annulled by a writ of *quo warranto* issued by the Court of King's Bench in 1624, and was never renewed ; (4) the English Crown's later title to the country between the Alleghanies and the Mississippi was the treaty with France in 1763 ; (5) the Crown plainly signified by numerous acts, as the proclamation of 1763 and the Walpole grant of 1772, that colonial Virginia did not extend beyond the mountains, and that the over-mountain lands were Crown lands ; and (6) later grants than that of 1609, as those to the Carolina proprietors, to Baltimore and Penn, and to the New England colonies, show that the Crown did not regard those limits as conclusive, either on the sea-shore or in the West. Mr. Vinton rested his second cardinal proposition, that Virginia's title to the country southeast of the Ohio is a compromise with other States and with Congress, made in 1784, on the history of the cessions. The cessions will be treated in the next chapters, and need not be anticipated here. Nearly all

the judges who gave opinions in Garner's case waived the historical issue that Mr. Vinton had raised, on the ground that a Virginia court could not question the fundamental law of the State; but the temptation proved so strong that some of them discussed the subject more or less at length. McComas, Judge, thus touched some of the points involved :

"It will not be necessary to inquire into the rights of the British king, because no civilized nations had claim to the country except England and France ; and, by treaty between those two nations, the boundaries were ascertained and fixed between them ; and the territory in controversy was acknowledged to be in the English Crown, and of course by that treaty the title of Virginia to the lands contained in her charter, and comprehended in the limits of the British possessions, was confirmed, and thereby made good. The British king by several acts, and particularly by grants of large tracts of land, acknowledged that the Northwestern territory was within the jurisdiction and limits of Virginia. . . . But it is stated that the charter of Virginia was annulled, and that she has no right to claim under said charter. It has been decided, and I think rightly, 'that the charter was annulled so far as the rights of the company were concerned, but not in respect to the rights of the Colony. The powers of government, the same powers which the charter had vested in the company as proprietor, were vested in the Crown : the same title to the lands within its chartered limits, which the charter had vested in the company, was revested in the Crown.' . . .

"In relation to the territory northwest of the Ohio River, it ought to be recollected that during the Revolutionary War, and before the cession, Virginia conquered the territory by her own troops, unaided by the other States of the Union ; and formed the whole territory into the county of Illinois. It therefore seems to me, as the territory was not within the chartered limits of any other State, and as it undoubtedly belonged to the British Crown, this conquest would give Virginia an undoubted right to it."



Lomax, Judge, held that :

"The charter of 1609 was the commencement of the colonial or political existence of Virginia ; and it was that charter which separated and designated the country called Virginia, and the community which was settled upon it. That charter became the primal and perpetual law of this Commonwealth. The Crown of England, when by the judgment of *quo warranto* against the company in London it took the charter out of their hands, did not cancel the charter. The government of the Colony, when it thereby became a Royal Colony, was still administered according to the scheme of government established by the previous charters. The rights guaranteed to the people of Virginia by that charter, were frequently and strenuously appealed to, down to the time of the Revolutionary contest, as the chartered rights of Virginians. In March, 1651, the treaty between Virginia and the commonwealth of England, stipulated that Virginia should have, and enjoy the ancient bounds and limits granted by the charters of the former Kings. This was a recognition in the most solemn form, notwithstanding the judgment above referred to in 1624, of the boundaries of Virginia and of her ancient charters. The subsequent grants by the King to Penn, Baltimore, and Carteret could not disturb those limits, but to the extent that those grants conveyed ; and even to that extent were remonstrated against by the colony. . . . There are many public acts of the Colonial government of Virginia, in which her title was asserted, and dominion exercised by her over the territories she claimed, as her western territories, extending to the River Ohio, and beyond it, including the present State of Ohio ; nor was any question ever raised as to that title or dominion by any civilized people, except for a time by the French. These acts show that she had extended her jurisdiction over the Northwestern territory which was ceded, and that she had made grants of lands and settlements on the Ohio. In all these acts the consent of the King, the proprietor of the colony, must necessarily have been given by himself or those who were authorized by him to give it. For in all the laws and public acts of the Colony, the ap-

probation of the sovereign, or of a substitute, fully representing him as to that matter, was indispensable."

The learned judge then recounts a long series of public acts in which Virginia exercised sovereignty west of the mountains. Among the most prominent of these are the creation of counties: Orange, in 1734; Augusta, in 1738; Boteourt, in 1769, "bounded west by the utmost limits of Virginia." The act creating one of these counties speaks of "the people situated on the waters of the Mississippi" as living "very remote from their court-house." Other counties erected before the Revolution extended to the Ohio, and embraced Kentucky. The Dinwiddie proclamation of 1754, offering lands to volunteers to serve against the French—one hundred thousand acres contiguous to the fort at the Forks of the Ohio, and one hundred thousand on or near the Ohio—was recognized by the Virginia land-law of 1779. In 1752 and 1753 Virginia passed acts for encouraging persons to settle on the Mississippi ("meaning, doubtless, the waters of Ohio"); and in 1754 and 1755 acts for their protection. Grants of land on the southeastern side of the Ohio, made in the colonial period, were numerous. Marshall's "Life of Washington" is quoted as authority for the statement that the grant made to the Ohio Company in 1748 was made as a part of Virginia. The proclamation of 1763 was obviously designed for the preservation of peace with the Indians, and their enjoyment of the hunting-grounds. The Treaty of Paris, 1763, limited the colony on the west; but Virginia continued to fill up and occupy, both geographically and politically, the territory to the Mississippi, "until that signal act of her sovereignty over the Western territories was exercised by her in the cession she made of them in March, 1784, and which was consummated by the acceptance of it by the United States in Congress assembled upon the same day."

These facts certainly demolish Mr. Vinton's proposition that the Virginia claim was "set up" during the Revolution.

The grant made to the Duke of York in 1664 was bounded on the west by the Delaware River. But at the beginning of the Revolution, as well as before that time, New York claimed a far greater western extension, on these grounds: (1) That the grant to the Duke of York and the boundary east of the Hudson barred the New England colonies on the west; (2) that the *quo warranto* of 1624 and the grant to Penn limited Virginia and Pennsylvania on the west, the first by the Alleghanies, the second by the five-degree line west of the Delaware; (3) that the country west of these lines belonged to the Iroquois, in the north from times immemorial, in the south after the Iroquois conquest of 1664; (4) that after 1624, 1664, and 1681, the pre-emption of the West was vested in the Crown, not in particular colonies; (5) that the accession of the Duke of York, the proprietary of the province, to the throne, in 1685, affiliated the territory on the two sides of the Delaware north of Penn's line; and (6) that the later Iroquois treaties made the whole Western country, from the Lower Lakes to the Cumberland Mountains, and from Virginia and Pennsylvania to the Mississippi River, a part of New York. A report on the Western land-claims, made in Congress, November 3, 1781, preferred the New York claims to all those with which it conflicted, and thus justified the preference:

"1. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians, and their tributaries, have been in due form put under the protection of the crown of England by the said Six Nations, as appendant to the late government of New York, so far as respects jurisdiction only.

"2. That the citizens of the said colony of New York have borne the burthen both as to blood and treasure, of protecting and supporting the said Six Nations of Indians, and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said government.

"3. That the crown of England has always considered and treated the country of the said Six Nations, and their tributa-

ries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New York.

"4. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations and their tributaries, to be appendant to the government of New York.

"5. That by Congress accepting this cession, the jurisdiction of the whole western territory belonging to the Six Nations, and their tributaries, will be vested in the United States greatly to the advantage of the Union."<sup>1</sup>

At this distance it is difficult, notwithstanding the particularity of this report, to repel Mr. Hildreth's characterization of the New York claim as the "vaguest and most shadowy of all."<sup>2</sup> Furthermore, there is reason to think the report part of a political scheme that will be duly noticed hereafter. But here it is pertinent to point out that this claim was virtually the claim to the Northwest which England made just before the French War, characterized by Mr. Parkman as including every mountain, forest, or prairie where an Iroquois had taken a scalp.<sup>3</sup>

The two New England States rested their claims on the charters with which the reader is already familiar. Connecticut's claim, at the beginning of the Revolution, was the zone lying between parallels 41° and 42° 2' north latitude, and Massachusetts's, the zone north of this to the parallel of three miles beyond the inflow of Lake Winnipiseogee in New Hampshire; both claims extending from the Delaware and the line thereof to the Mississippi. Connecticut's claim was largely reduced by the Trenton decision of 1782; but this in no way affected her rights west of Pennsylvania. It was urged that these claims were barred west of the present west-

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<sup>1</sup> Journals of Congress, IV., 21, 22.

<sup>2</sup> History, III., 399.

<sup>3</sup> Montcalm and Wolfe, I., 125.

ern limits of these States: (1) By the words, "actually possessed and occupied by a Christian people or prince," found in the Plymouth charter of 1620, because they related to the lands west of the Dutch settlements; (2) by the presence of the Dutch on the Hudson in 1620, 1629, and 1662; (3) by the grant to the Duke of York; (4) by the boundary-settlement of 1733; (5) by the grant to Penn in 1681; and (6) by New York's Iroquois title. Stress was also laid on the old argument against the from sea-to-sea grants; viz., they were made in ignorance of geography, and included vast tracts of land that did not, at the time, belong to the English Crown. The most important of these points were sustained by Attorney-General Pratt in 1761, who also held that there were State reasons for deciding the Wyoming controversy in favor of Pennsylvania; but Thurlow, and the other Crown lawyers consulted by Connecticut, held that the reservation made in the charter of 1620 did "not extend to lands on the west side of the Dutch settlements;" that the Plymouth grant did not mean to except in favor of anyone anything to the westward of such plantations; that the agreement of 1733 between Connecticut and New York extended "no further than to settle the boundaries between the respective parties," and "had no effect upon other claims that either of them had in other parts;" and that as the charter to Connecticut was granted but eighteen years before that to Penn, there was "no ground to contend that the Crown could, at that period, make an effective grant to him of that country which had been so recently granted to others."<sup>1</sup>

The two New England claims rested on substantially the same foundation; but it is curious to note how differently they were treated east of the western limits of Pennsylvania and New York. A Federal court threw the one claim aside as invalid, while the State of New York virtually conceded

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<sup>1</sup> Hoyt gives the substance of the two opinions: *Title in the Seventeen Townships in the County of Luzerne*, 32, 33.

